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Wilmington Journal.

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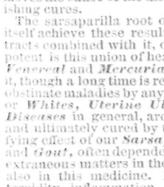
FOR PURIFYING THE BLOOD.



The reputation this excellent medicine enjoys, is derived from its cures, many of which are of a truly marvellous character. Inveterate cases of scrofula, where the system seemed utterly given up to corruption, have yielded to this compound of anti-strumous virtues. Disorders of a scrofulous type, and affections which are merely aggravated by the presence of scrofulous matter, have been radically cured in such numerous instances, in every settlement in the country, that the public do not need to be informed here that it is in most cases a specific and absolute remedy.

Scrofulous poison is one of the most destructive enemies of our race. Often, this unseen and unfelt tenant of the organism undermines the constitution, and invites the attack of enfeebling or fatal diseases, without suspecting the existence of its presence. Again, it seems to breed infection throughout the body, and then, on some favorable occasion, rapidly develop into one or other of its hideous forms, either on the surface or among the vitals. In the latter, tubercles may be suddenly deposited in the lungs or heart, or tumors formed in the liver. These facts make the occasional use of the *Sarsaparilla* as a preventive, advisable.

It is a mistake to suppose that so long as no eruptions or humors appear, there must be no scrofulous taint. These forms of derangement may never occur, and yet the vital forces of the body be so reduced by its subtle agency, as materially to impair the health and shorten the duration of life. It is a common error, also, that scrofula is strictly hereditary. It does, indeed, descend from parent to child, but is also engendered in persons born of pure blood. Low living, indigestion, foul air, licentious habits, uncleanliness, and the depressing vices generally, produce it. Weakly constitutions, where not fortified by the most constant and judicious care, are peculiarly liable to it. Yet the robust, also, whose turbid blood swells the veins with an apparently exuberant vitality, are often contaminated, and on the road to its consequences. Indeed, no class or condition can depend on immunity from it, nor feel insensible to the importance of an effectual remedy.

In *St. Anthony's Fire, Rose or Erysipelas, for Tetter, Salt Rheum, Scald Head, Ringworm, Sore Ears and Eyes*, and other eruptive or visible forms of the diseases caused primarily by the scrofulous infection, the *Sarsaparilla* is the best remedy to be had, if, indeed, not indispensable. And in the more concealed forms, as in *Dyspepsia, Dropsy, Heart Disease, Fits, Epilepsy, Neuralgia*, and other affections of the muscular and nervous systems, the *Sarsaparilla*, through its purifying power, removes the cause of the disorder and produces astonishing cures.

The sarsaparilla root of the tropics does not by itself achieve these results. It is aided by the extracts combined with it, of still greater power. So potent is this union of healing virtues, *Syphilis* or *Venereal* and *Mercurial Diseases* are cured by it, though a long time is required for subduing these obstinate maladies by any medicine. *Leucorrhœa* or *Whites, Uterine Ulcerations*, and *Female Diseases* in general, are commonly soon relieved and ultimately cured by the invigorating and purifying effect of our *Sarsaparilla*. *Rheumatism* and *Gout*, often dependent on the accumulations of extraneous matters in the blood, have their remedy also in this medicine. For *Liver Complaints*, torpidity, inflammation, abscess, etc., caused by rankling poisons in the blood, we unhesitatingly recommend the *Sarsaparilla*.

This medicine restores health and vigor where no specific disease can be distinguished. Its restorative power is soon felt by those who are *Languid, Listless, Despondent, Sleepless*, and filled with *Nervous Apprehensions or Fears*, or who are troubled with any other of those affections symptomatic of weakness. Many, after taking it for *General Debility*, have written us of the youthful vigor imparted to their nervous system, which seemed buoyant with that prolific life they thought had departed on the advance of age. Others, whose fortunes in life were ruined by sterile, acknowledge their obligations to it for an obvious change.

Ayer's Ague Cure,

For Fever and Ague, Intermittent Fever, Chill Fever, Remittent Fever, Dumb Ague, Periodical or Bilious Fever, &c., and indeed all the affections which arise from malarious, marsh, or miasmatic poisons.

As its name implies, it does *Cure*, and does not fail. Containing neither Arsenic, Quinine, Bismuth, Zinc, nor any other mineral or poisonous substance whatever, it in nowise injures any patient. The number and importance of its cures in the ague districts, are literally beyond account, and we believe without a parallel in the history of medicine. Our pride is gratified by the acknowledgments we receive of the radical cures effected in obstinate cases, and where other remedies had wholly failed.

Unacclimated persons, either resident in, or travelling through miasmatic localities, will be protected by taking the *AGUE CURE* daily.

For *Liver Complaints*, arising from torpidity of the Liver, it is an excellent remedy, stimulating the Liver into healthy activity.

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JOURNAL OFFICE.

STATE OF NORTH CAROLINA.

John J. Long, against Catharine G. Meares, John L. Meares, Thomas D. Meares. | Superior Court of New Hanover County.

THE DEFENDANTS, Catharine G. Meares and John L. Meares, are hereby notified to appear before the Superior Court of New Hanover County, at the Court House in Wilmington, on the 25th day of February next, to answer the complaint filed in this case for the following cause of action, to wit: That on the 4th December, 1856, the said Catharine G. Meares, John L. Meares, Thomas D. Meares and myself, executed our joint sealed note as co-sureties of William B. Meares, to Joseph J. Bell, for seventeen hundred and seventy-six dollars and 50 cents, due one day after date; and that on 30th November, 1868, I paid the balance due upon said note, to wit, the sum of twenty-five hundred and twenty-two dollars and seventeen cents. Whereby a cause of action has arisen to me against the said Catharine G. Meares for her rateable proportion of said sum as my co-surity, to wit: the sum of eight hundred and forty dollars and seventy-two cents, with interest from 30th November, 1868, and against the said John L. Meares for a like sum.

JNO. J. LONG.

Witness, J. C. MANN, Clerk of our said Court at office, the eighth Monday after the fourth Monday in August, A. D., 1868.

Issued January 19th, 1869.

J. C. MANN, Clerk.

jan 22 50-4t

MALE ACADEMY.

CLINTON, N. C.

THE EXERCISES OF THE NEXT SESSION of this Institution now in successful operation, will begin January the 11th, 1869, and continue twenty weeks.

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Classics, Mathematics and Sciences..... 22 50
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It is earnestly requested that pupils be prepared to enter the first day of the session.

For further particulars address the subscribers.

B. F. GRADY, Jr.
M. McLEOD.

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From the Raleigh Sentinel.

LEGISLATURE OF NORTH CAROLINA.

SENATE.

TUESDAY, Jan. 19, 1869.

MEMORIALS.

Mr. Lassiter presented a memorial from W. T. Beasley, of Louisville, Kentucky, relative to the manufacture of Sugar from Sorghum. On motion of Mr. Lassiter, it was referred to a Joint Committee.

Mr. Barrow suggested that said Committee be designated the Committee on Sweetnin'.

REPORTS OF COMMITTEES.

Mr. Moore from the Committee on Corporations reported favorably on a bill to incorporate the North Carolina Manufacturing Loan and Trust Company.

Mr. Brogden from the Committee on Propositions and Grievances, reported favorably on a bill to secure the free exercise of suffrage and the freedom of the ballot box.

Mr. Lassiter from the Committee on the Judiciary, reported unfavorably on the bill to empower deputy Clerks to act as Judges of Probate in the absence of the Clerks of Superior Courts.

Mr. Lassiter from the same Committee, reported favorably on a bill requiring contracts for the State to be advertised.

INTRODUCTION OF BILLS AND RESOLUTIONS.

By Mr. Osborne: A bill to establish a board of arbitrators for each county. Referred to the Committee on the Judiciary.

By Mr. Cook: A bill to amend the charter of the Western Railroad Company, and to build a branch from said road to the town of Selma, in Johnston county. Ordered to be printed and referred to the Committee on Internal Improvements.

By A. H. Galloway, colored, a bill to incorporate the Wilmington Life Insurance Company, referred to the Committee on Corporations.

By Mr. Love, a bill to amend the Charter of the Tennessee River Railroad Company. Ordered to be printed, and referred to the Committee on Internal Improvements.

THIRD READING OF BILLS.

Bill authorizing the consolidation of the Charlotte and South Carolina and the Columbia and Augusta Railroad Companies. Passed.

Bill to require Executors and Administrators to discharge their duties.

On motion of Mr. Forkner, it was laid on the table.

CALENDAR.

Bill to renew the Charter of the Richmond Manufacturing Company.

On motion of Mr. Love it was postponed until after the 1st of February.

Bill instructing the Judges of the Supreme Court to give an opinion, out of term time, relating to Constitutional questions, when the Attorney General may deem it expedient to ask for said opinion. Rejected.

Bill to prevent hunting on the Sabbath, passed its second reading.

Bill to authorize persons to be represented in Magistrate's Courts.

Mr. Forkner moved to postpone its consideration until the 2d of February.

A. H. Galloway, colored, moved to lay the motion the table.

Pending its consideration, the Senate adjourned until to-morrow at 11 o'clock.

HOUSE OF REPRESENTATIVES.

TUESDAY, Jan. 19, 1869.

RESOLUTIONS.

By Mr. French: A resolution authorizing the Tresurer to use the money deposited with him by the various Sheriffs, in paying the members of the Assembly, and to meet other expenses of the State.

On motion of Mr. French, the rules were suspended and the resolution adopted.

By the same, the following resolution:

Resolved, (Senate concurring), That the Sheriff of Wake county be, and is hereby instructed to arrest Wm. A. Mann, of Cumberland, if he is to be found in this State, and bring him before the bar of the House of Representatives, and if he is not to be found in this State, and said Sheriff can ascertain his whereabouts, that the Governor of the State be, and is hereby requested to make a requisition on the Governor of the State in which he may be supposed to be, for the body of said Wm. A. Mann, and the said Sheriff of Wake county, is hereby instructed and empowered to produce to such place as said Mann may be found, and under the aforesaid requisition, bring his body to the State and before the bar of the House of Representatives.

J. S. Leary, colored, moved to strike out the words "of Cumberland county."

Mr. French said that Mr. Mann hailed from Cumberland county, and it was necessary to give him a local habitation.—Mr. F. suggested the propriety of Leary giving to Mr. Mann a location.

Leary suggested Wake county.

J. H. Harris, of Wake, colored, said that Mr. Mann had represented Cumberland county in the late Constitutional Convention.

Isham Sweat, colored, said that it was true that Mr. Mann did represent his county in the Convention, but since that time Mr. Mann had left that locality, carpet-bag in hand, and had not been heard of in that section.

After a long debate upon various attempted amendments the resolution was adopted under a suspension of the rules.

BILLS.

By J. S. Leary, colored: A bill to amend the charter of the Union Manufacturing Company of Fayetteville. Referred.

By consent, Mr. Estes offered a petition from W. B. Beasley, of Kentucky, in reference to the introduction into this State of the process of manufacturing sugar from sorghum.

Mr. Estes moved that the matter be referred to a special Joint Committee, and that a message be sent to the Senate to that effect. Carried.

By Mr. Malone: A bill to make all summons returnable to the regular terms of the Court. Referred.

By Mr. Justice, of Rutherford: A bill to pay the present indebtedness and to raise sufficient sums to complete the Railroads now under progress of construction, without taxation. Referred.

SPECIAL ORDER, VIZ:

House bill No. 37, (the tax bill,) was taken up.

The discussion upon the 5th sub-division of section 14 was resumed, and the question recurred upon the motion to reconsider the vote by which the motion to reconsider the vote adopting Mr. Proctor's $300 exemption amendment was laid on the table.

The question being put to a vote, it was lost.

Mr. Estes moved to strike out the 5th sub-division of the section.

On the adoption of that motion, the yeas and nays being called, resulted in a vote of yeas 50, nays 38.

Mr. E. then offered the following substitute for the portion of the section stricken out: "Arms for muster, wearing apparel for the use of the owner, or his family, household and kitchen furniture, mechanical and agricultural implements of mechanics and farmers, libraries and scientific instruments shall be given in and assessed, but $200 shall be deducted from the assessed value thereof, and the residue only shall be taxed.

Mr. Ferebee moved to strike out the words "two hundred" and insert 300.

On the adoption of this amendment, the yeas and nays were called and resulted in its rejection by a vote of yeas 46, nays 59.

The substitute was adopted and the section, as amended, was also adopted.

In section 16, Mr. Estes moved to strike out after the word "value" in the 7th line, down to the word "cents" in the 11th line.

On motion of the same, the words "in money" were inserted in the 3d line after the word "value."

On motion of the same, the word "entered" in the 4th line was stricken out and "altered" substituted.

On motion of the same, after the word "made" in the 5th line, the words "bind over the offender to appear at the next term of the Superior Court of the County," were inserted.

The section, as amended, was then adopted.

Section 17 to 18 were somewhat amended and adopted.

Section 19, after being variously amended, was adopted.

Mr. Laflin moved that the further consideration of the bill be postponed until half-past seven o'clock this evening. Carried.

The special order for this hour, to-wit: The various Railroad bills reported by the committee on Internal Improvements, was taken up.

Mr. Justice, of Rutherford, moved to suspend the rules and take up the bill to separate the Eastern and Western divisions of the Wilmington, Charlotte & Rutherford Railroad Company. Lost.

The Clerk read the bill to consolidate the Atlantic and North Carolina Railroad Company and the North Carolina Railroad Company.

Mr. Durham offered the following amendment, which was adopted:

No discrimination should be made by the N. C. R. R. Co. (this is the proposed name of the road when consolidated) in rates of charges for the carrying of passengers or freights over any part of said road; but the rates charged for freight and travel between intermediate points and between either terminus and any intermediate point shall be the same per mile as the rates charged for travel or for like classes and qualities of freight over the whole line of said road: Provided that these rates shall apply to the line of said road only, and not to through rates in connection with other lines of transportation: Provided further, that the said Company, in addition to the rates per mile charged for the carrying of passengers and freights over the whole line of said road, may, for the carrying of passengers and freight of like classes and qualities between intermediate points and between either terminus and any intermediate point, charge the following and no other: For any distance under fifty miles not exceeding twenty-five per cent., for any distance over fifty and under one hundred miles not exceeding twenty per cent; for any distance over one hundred and not exceeding two hundred miles, not exceeding fifteen per cent; and for any distance over two hundred and not exceeding three hundred miles, ten per cent: Provided further, that the increased rates herein authorized between intermediate points and between either terminus and any intermediate point, shall be equal on all parts of said road; and if any officer or agent of said Company shall violate the provisions of this Section, the person injured or suffering loss thereby may sue the Company, or such officer or agent in any Court having jurisdiction of the case, and recover his actual damages and costs; and in addition thereto shall recover the sum of fifty dollars as liquidated and settled damages.

Mr. Malone said:

The gentleman from Robeson has made a long historical written speech, which, I hope, will be printed and placed amid the archives of the nation for preservation.—He talks about Cape Hatteras, Beaufort city, &c. Why all this talk? Is it a sort of "poor man's speech?" He seems to wish to excite a prejudice against the East on the part of the West. We will not be *gulled* by such declaration.

What is the question? North Carolina owns two-thirds of the stock in two roads, to wit: The Atlantic and North Carolina Railroad and the North Carolina Railroad. Now, it is proposed by the bill to allow the stockholders in these two roads to have a general meeting, in which they may determine the propriety of a consolidation of these two roads. When this is done, we get rid of one set of officers. One President and one Board of Directors will then control the two roads, and thereby guard the interest of the State in both. But if the gentleman from Robeson is correct that this might build up Morehead city and Newbern, Beaufort, &c.—if this is so, I am more than ever inclined to favor consolidation. If large cities and seaport towns will spring up as a result of this scheme, that is the most commendable and fascinating view of the whole subject. It is mournfully true that our coast is languishing—our towns and cities are mouldering and decaying for the want of the revivifying influences of these consolidated efforts to build up the old North State. Shall we discriminate in favor of other States while all the sacred interests of North Carolina are to be neglected by the action of this body? The stockholders will do what is best for the two companies and for the State.

Mr. Sinclair took the floor in opposition to the bill, and made an elaborate argument against the whole measure.

Mr. Downing opposed the bill.

W. T. Hayes, colored, moved to indefinitely postpone it.

Mr. Durham said, though he was a Western man, and had no material interest in the scheme, yet he thought there were things in the bill that were calculated to redound to the interest of the State; therefore he hoped the motion to indefinitely postpone would not prevail.

Mr. Seymour next argued in support of the bill. In his opinion this was a proposition simply as to whether a road substantially owned by the State, should continue to be used to build up a point in Virginia, (Norfolk), or used in laying the foundation of a great commercial city within the limits of our State, &c.

Mr. Stevens said he hoped that all the railroad men would vote against the motion to indefinitely postpone, and give the matter a full and fair hearing, &c.

Pending further debate, the House adjourned until half-past 7 o'clock this evening.

HOUSE OF REPRESENTATIVES.

NIGHT SESSION.

TUESDAY, Jan. 19, 1869.

A message was received from the Senate announcing Messrs. Lassiter and Osborne as the Senate branch of the committee to whom was referred the petition of W. F. Beasley, in reference to the manufacturing of sugar from sorghum.

The Chair announced Messrs. Bowman, Hodgin and Jarvis as the House branch of said committee.

On motion of Mr. Estes, the rules were suspended and the House bill No. 37, (tax bill,) was taken up.

Section 20 was read, and after being slightly amended, was adopted.

Section 21 was also slightly amended and adopted.

Sections 22, 23, 24, 25, 26, 27, 28, 29 and 30 were adopted.

On motion of Mr. Estes, an additional section, to be known as section 31, was inserted sections 32, 33, 34, 35, 36, 37, 38 and 39.

On motion of Mr. Estes, section 40 was stricken out.

Section 41 (as numbered in the bill) was adopted.

On motion of Mr. Estes, the further consideration of the bill was postponed until to-morrow evening, at 8 o'clock.

On motion of Mr. Sinclair, Senate resolution No. 96, in favor of the Sheriff of Brunswick county, was taken up and referred to the Committee on Private Bills.

On motion of Mr. Sinclair, the rules were suspended and the resolution inquiring after the appropriation of $500, made to the Road, from John Allen's to the top of the Blue Ridge, at or near Fisher's Gap, in Surry county. [The resolution asking for a joint committee of five, to investigate the matter,] was taken up and adopted.

On motion of J. H. Harris, of Wake, colored, the rules were suspended, and House bill No. 117, for the better protection of debtors, was taken up.

Mr. Malone moved to strike out all after the word "misdemeanor."

Harris, of Wake, colored, accepted the amendment.

Mr. Malone moved to strike out section 20, and proceeded at some length to give various reasons why it should be done.

Harris, of Wake, colored, accepted this amendment also.

The bill then passed its third reading without further debate.

On motion of Mr. Vest, the House then adjourned until to-morrow morning at 10 o'clock.

SENATE.

WEDNESDAY, Jan. 20, 1869.

UNFINISHED BUSINESS.

Bill allowing persons to be represented in Magistrate's Court.

Mr. Forkner moved its consideration be postponed until the 2d of February.

A. H. Galloway, colored, moved to lay the motion on the table, which was lost.

Mr. Forkner withdrew his motion and submitted a substitute for the bill, which, after some discussion, was adopted, and the bill passed its second reading.

Senate branch of the Committee on "Sweetening" Messrs. Lassiter and Beall.

Mr. Osborne was excused from serving on the committee—circumstances compelling him to leave the city.

Mr. Moore, of Carteret, from the committee on Corporations, reported favorably on a bill to incorporate the Richland Lodge.

INTRODUCTION OF BILLS.

By Mr. Rich: A bill to authorize the Commissioners of Pitt county to levy a special tax for certain purposes. Referred to the committee on Finance.

By Mr. Blythe: A bill in relation to witnesses in civil actions. Referred to the committee on the Judiciary.

By A. H. Galloway, colored: A bill to amend the charter of the town of Lillington, in the county of New Hanover. Referred to the committee on Corporations.

A message was received from the House transmitting the following resolutions which were ratified by the President of the Senate, to-wit:

Resolution to annul a portion of a joint resolution in relation to the distribution of the rooms in the Capitol building.

Resolution in favor of the Sheriffs of Pasquotank and New Hanover.

SPECIAL ORDER.

Report of the committee of Privileges and Elections, declaring Mr. Purdie, Senator from the 14th District, banned by the Constitutional amendment.

Mr. Moore, of Carteret, introduced a resolution declaring the seat of Mr. Purdie vacant.

Mr. Brogden said he desired to submit some of the reasons which compelled him to support the resolution. On personal grounds he preferred that this cup should pass from him; but he could not forget that he had a public duty to perform. He would have been glad to have avoided this duty, but as it was to be decided, he should pursue the course which conscience and duty directed. This resolution declares the seat of the Senator from the 14th district vacant, for the reason that he is banned by the Constitutional amendment, and as the Senate is the judge of the eligibility of its own members, that is the question now under consideration, (he quoted the 3d section of the 14th article, in relation to who are banned, and Webster's definition of judicial, of aid and comfort, and of engaged.)

Now, sir, every lawyer is bound to admit that a Magistrate is a judicial officer. He holds Courts, imposes fines and penalties, and imposes taxes on the people.—There cannot be the least show of doubt as to his being a judicial officer, and comes under the construction of the 14th article. The report of the committee says that Mr. Purdie was a Magistrate during the war, and was a member of the Legislature before the war. A member of the Legislature certainly comes under the construction of the 14th article. This is a question of fact, and cannot be gainsayed by any one. The question admits of no doubt; that a man, a member of the Legislature before the war, and who held office during the war, comes under the construction of the 14th article of the Constitution. And as to vacating the seat of a Senator, the seats of members of Parliament have been vacated, as well as divers persons holding high positions in the government of the United States. Wm. Blount, a gentleman prominently connected with the early history of North Carolina, was impeached and expelled from the Senate of the United States The celebrated John Wilkes was expelled from the House of Commons, and re-elected, owing to his great personal popularity, a third and fourth time, and yet he was not allowed to take his seat, and his opponent, who only received a small vote, was declared elected. He regretted that this case had to be met, but as it was a part of the duty imposed upon the Senate it should be met according to their understanding, and in accordance with the constitution of the United States. The case was too plain to even admit of argument on the other side. He regretted that it was so; he had great personal regard for the Senator, but could not let his personal feelings control his action in this case.

Mr. Graham said he believed that the minds of Senators were already made up in reference to this subject, and did not know that anything he might say would change them. The Senate, after having once decided this question after a thorough examination into all the facts, decided to go into another investigation. What was the causes or motives which prompted it he did not know. He felt it to be his duty, as a Senator, to give his reasons why he thought the Senator not banned:

"Four of the committee have presented a report alleging that Mr. Purdie held the office of Magistrate before and during the war, was a member of the Legislature in 1858–59, and, as such, took an oath to support th Constitution of the United States; never served in the army during the rebellion; never invested a dollar in Confederate bonds; was a private in the Home Guards, but never served unless compelled to do so. That portion of the committee believe him to be banned by the Howard Amendment, and therefore not entitled to his seat. Not being aware of any evidence before the committee of the above facts, but taking them to be true, these questions are presented to the Senate:

1st. Has Mr. Purdie engaged in insurrection or rebellion against the United States, or given aid and comfort to the enemies thereof?

2d. Has the Senate a right to expel him, having once investigated his case, and sitting as a *Judge* upon his qualifications decided that he was not banned?

The word "engage" means to promise—to pledge oneself—to embark—to enter upon—to enlist. An insurrection is the rising up against the authority of the government; rebellion is resistance against the authority of the government with an intent to overthrow it—a violent resistance to lawful authority.

According to the opinion of Attorney General Stanbery, "an act to fix upon a person the offense of engaging in rebellion, must be an overt and voluntary act, done with the intent of aiding and futhering the common unlawful purpose. A person forced into the Rebel service by conscription, or under a paramount authority, which he could not safely disobey, and who would not have entered such service, if left to the free exercise of his own will cannot be held to be disqualified."

Again: "But officers who, during the rebellion, discharged official duties not incident to the war, but only such duties as belonged to a state of peace, and were necessary to the preservation of order and the administration of law, are not to be considered as thereby engaging in rebellion or as disqualified."

Again: The words "giving aid and comfort to the enemies of the United States" are the same used in the constitutional definition of treason, and the enemies there meant must be taken to be foreign enemies.

Can we say that the acts of Mr. Purdie amount to an actual participation? And if we have a reasonable doubt, must not that doubt be resolved against the operation of the law and in favor of Mr. Purdie? Is not this the settled rule of construction in regard to penal and disabling statutes? In the opinion of Judge Underwood, in the case of Cæsar Griffin, he says: "It may be observed that no one is even temporarily excluded who had not *actively engaged* in the war against the United States, but in addition to this, he must have held an office previously, which made him a leading and representative man, and which required him to take a special oath to support the Constitution of the United States." Under the Reconstruction Acts the party who desired to vote had to take an oath and clear himself of all disability. Under the Howard Amendment Congress is required to enforce by appropriate legislation this article. But admitting that the Senate has the right to judge of the qualification of its members, has not that right been exercised by the Senate and was not its decision final? In my opinion an exclusion in this case is equivalent to expulsion without a case.

Admitting that he was a member of the Legislature in 1858–'59, and for the sake of argument that it is a judicial office. Did he engage in rebellion after once deciding that he is not banned? Have you the right to try him again and reverse your decision? If you do, you say sitting upon your solemn oaths that you have committed a great wrong. Again, we have no right to make ourselves the arbitrators in this matter. Until Congress makes the law giving us the power, will the government of the United States allow North Carolina to punish treason. Some say the amendment is not a punishment. He held that it was; and it was the opinion of Judge Chase, and when we attempt to punish men for treason, we transcend our powers. These cases have been decided repeatedly. No Court but the Courts of the United States can punish a man for counterfeiting money. The Senator from Wayne alluded to the expulsion from the English Parliament of Mr. Wilkes. If the Senator is familiar with history he will recollect that it created a howl of indignation throughout the borders of England, and such an experiment has not been repeated since. The people should say who shall be their representatives.

Mr. Blythe followed in support of the resolution.

Messrs. Osborne and Robbins opposed the resolution.

Mr. Moore, of Carteret, called the previous question, which was sustained, and the resolution was adopted.

AYES—Messrs. Barrow, Bellamy, Brogden, Burns, Blythe, Colgrove, Cook, Davis, Eaves, Etheridge, Forkner, Galloway, colored, Hayes, Harrington, Hyman, colored, Jones, of Wake, Lassiter, Martindale, Moore, of Carteret, Moore, of Yancey, Smith and Stephens—22.

NAYS—Messrs. Barnes, Beall, Graham, Lindsay, Love, Mason, Melchor, Osborne, Rich, Robbins, Welker, Wynne, Winstead, and Wilson—14.

Mr. Beall offered the following explanation of his vote: First, he did not believe that the term "office" applied to a seat in the Legislature: Second, he did not believe that Mr. Purdie had "engaged in insurrection or rebellion against the United States": Third, it was doubtful, to say the least, whether "Article Fourteenth" was a part of the Constitution, considering the arbitrary manner in which it was forced upon the country after several Western States had withdrawn their assent; and several Southern States had given their assent under compulsion, and lastly, a *liberal* construction of all laws imposing penalties and disabilities for *political* opinions and acts is the wisest policy of an enlightened government. For these reasons he voted no.

Mr. Love offered the following explanation of his vote:

The Senate sits here as a State Court.—A State Court has no right to pass upon a *purely* Federal question. This is a question of that character. I do not believe the Senator from Bladen ever voluntarily engaged in the rebellion. I do not believe he ever was a "judicial or executive officer *of the State*."

Messrs. Welker and Lindsay could not see any additional fact brought out in the report of the committee; they were obliged to retain their former opinions, that the Senator is not banned, consequently they voted against the resolution.

Mr. Moore, of Carteret, introduced a resolution vacating the seat of James A. Oates, Senator elect from the 19th Senatorial District.

The President decided the resolution out of order.

On motion the Senate adjourned until to-morrow at 11 o'clock.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 20, 1869.

[The crowded state of our columns compels us to greatly abreviate the proceedings of the House to-day.]

Mr. French introduced a resolution which was adopted, requesting the Supreme Court to give their opinion as to the constitutionality of the Homestead Exemption.

On motion of Mr. Estes, the rules were suspended, and the resolution authorizing the Treasurer to pay witnesses summoned before the Fraud committee was taken up and passed.

Mr. Sinclair's resolution in favor of the Sheriff of Brunswick, was passed under a suspension of the rules.

Mr. Malone's resolution inviting immigration was taken up, debated, and lies over to be printed.

The special order, to consolidate the Atlantic and the North Carolina Railroads was taken up and a lengthy debate ensued, a report of which we have and will publish at another time. The bill finally passed its second reading by a vote of 68 yeas, nays 37.

House then adjourned.

SENATE.

THURSDAY, Jan. 21, 1869.

UNFINISHED BUSINESS.

Question being a motion of Mr. Winstead to reconsider the vote by which the bill concerning the settlement of the estates of deceased persons, was postponed, the vote was reconsidered and the bill taken up, pending its consideration on motion of Mr. Barrow, it was postponed until to-morrow at 11 o'clock.

Mr. Welker presented a memorial from the Trustees of the University, asking an appropriation of $12,000.

Mr. Welker offered with the memorial a resolution concerning the amount. Placed on calendar.

REPORTS OF COMMITTEES.

Mr. Osborne, from the committee on the Judiciary, reported favorably on a resolution in favor of Messrs. Caldwell, Bridgers and Arendell.

A message was received from the House, transmitting the following bills, to wit:

Bill to amend the charter of the Union Manufacturing Company in the town of Fayetteville. Referred to the committee on Corporations.

Resolution authorizing the arrest of W. A. Mann, late of Cumberland. Placed on Calendar.

Resolution instructing the Public Treasurer to wit:

WHEREAS, The Public Treasurer has in his possession funds belonging to several Sheriffs of the State, and for which he is personally responsible,

Therefore be it Resolved, (the Senate concurring), That the Public Treasurer be and is hereby authorized to use for the payment of the members of this Legislature and other expenses of the State, such funds as may be in his hands to the credit of Sheriffs and that the State shall guarantee the said Treasurer from all harm that may come to him from any points that may be brought under the plea that he has unlawfully paid out such money.

Mr. Love moved to amend the resolution by prohibiting the Treasurer from paying out of said monies anything on the Stockade or Penitentiary contract.

Pending its consideration, the Senate adjourned until to-morrow 11 o'clock.

HOUSE OF REPRESENTATIVES.

THURSDAY, January 21, 1869.

Mr. Pou moved to suspend the rules and take up Senate bill repealing the purchase of the Penitentiary site, &c.

Mr. Downing said that the bill would be nugatory if passed, therefore he hoped the order of business would not be interfered with by a suspension of the rules.

J. H. Harris, of Wake, colored, argued at length against a suspension of the rules. He wished to know why the proposition refunding the $100,000 to the State had not been accepted.

Mr. Pou said that whenever this matter was mentioned, members of that Committee seemed to think they were individually aimed at. He had not, and would not, impute motives to any one unless he had proof at his command. He intended to go forward in this matter and discharge his duty as a representative of the people, regardless of the feelings of anybody.—He believed that part of the bill issuing bonds to the amount of $100,000 was unconstitutional, as no special tax had been levied to provide for their payment, &c.—He wished the bill repealed in order that they might go ahead and have a Penitentiary, &c.

Mr. Downing argued for some time against the motion, and in conclusion moved to lay it on the table.

J. S. Leary, colored, arose to a point of order, saying that it had heretofore been the ruling of the Chair, that a motion to lay a motion to suspend the rules on the table could not be entertained.

The Chair sustained the point.

J. H. Harris, of Wake, colored, again took the floor. He said he stood prepared to vote for the repeal of the bill, but before that was done he and other members of the Penitentiary Committee asked that the proposition might be laid over until the proposition of Mr. Downing might be accepted or refused, and that a proposition be sent to the Senate to allow this House to raise a committee to investigate the whole matter and publish the facts to the world.

Mr. Downing characterized the report of the Senate Committee as being unfair and one-sided, and not by any means making a full statement of all the facts, &c.

The question recurring upon the motion to suspend the rules the yeas and nays were called and resulted in a vote of yeas 61, nays 35.

The motion was lost, two-thirds not voting in favor of it.

On motion of Mr. Welch the rules were suspended and the bill amendatory to the bill incorporating the Western North Carolina Railroad was taken from the Calendar, and recommitted to the committee on Internal Improvements.

By consent, Mr. Durham: A resolution in favor of E. Murrell, Sheriff of Onslow county. Referred.

By consent, Mr. Long, of Richmond: A bill in relation to the issuing of $2,000 in bonds to W. L. Steele, of Richmond county. Referred.

Mr. French, from the committee on Counties and Townships, reported favorably upon the bill authorizing the Commissioners of Anson county to levy a special tax.

On motion of Mr. Laflin the rules were suspended and the bill establishing a Turnpike Road from Marion, McDowell county, to Asheville, in Buncombe county, was taken up.

The bill was read, when

Mr. Pou moved to postpone the bill until to-day two weeks.

Mr. Laflin said he hoped the motion would be voted down as this was merely a dodge of the anti-internal improvement men.

Mr. Ingram said that the finances of the State were suffering on account of the disarranged system of taxation. He regarded the tax and revenue bills as more important than these internal improvement bills, and should have the immediate attention of the House; therefore he hoped that the motion to postpone would prevail.

Mr. Welch said it was necessary to pass these Railroad bills in order to ascertain the amount of money to be raised.

The motion to postpone was then put to a vote and rejected.

The question then recurred upon the passage of the bill on its second reading, when

Mr. Bowman (the introducer of the bill) took the floor and advocated the passage of the measure at some length.

Mr. Hodnett said he was a friend to a judicious system of internal improvements, at the proper time, but

THE WILMINGTON JOURNAL.

WILMINGTON, N. C.

FRIDAY, JANUARY 29, 1869.

Senator Pardie.

As was expected, the Senate has finally decided that Mr. PURDIE, the able and incorruptible Senator from Bladen and Columbus, was not entitled to his seat. This action astonishes no one, although the same body had investigated the matter before and came to a different conclusion. Mr. PURDIE was evidently in the way of certain men in the accomplishment of their nefarious schemes, and of course he was made to "walk the plank." He was too bold and defiant in his opposition to the "Ring," in their efforts to rob and plunder the State, to be tolerated by the men who control legislative action.

Mr. PURDIE returns to his constituents with the consciousness of having performed his duty to them and the people of the whole State, and possesses more their confidence than when they conferred upon him the important trust to which he has been so faithful. All good wishes attend him in his forced and illegal retirement.

Immigration.

The Eastern North Carolina Immigration Association promises much good to our State. Those who have it mainly in charge are men of energy and public spirit, who do not fail in what they undertake. They recognize the difficulties in the way, especially in our depressed and impoverished condition, of securing an abundance of reliable labor, and are prepared to meet and overcome them. This Association seeks to give profitable employment to all our own honest and industrious laborers, white or black, and also strives to regain the lost prosperity of our people by the introduction of foreign labor. In fact, we have to look mainly to foreign emigration in our present alarming state of demoralization and disorganization, and to the application to the soil of such labor, combined with home industry, for whatever of prosperity we can reasonably hope for in the future. There is no other material redemption and agricultural improvement for us. Success, then, to these efforts to turn the tide of emigration to our shores. Away with all opposition to an enterprise that should commend itself to every man who has at heart the good of our poor old State. Our people should arouse to the importance of this great movement. Let those who are working in behalf of this good cause be encouraged and sustained. The Association is in earnest. Already has it sent two agents direct to Europe to secure and forward laborers to our State. These agents write back encouraging accounts. The Executive Committee, viz: Hon. WILLIAM P. DORTCH, of Goldsboro', Col. S. L. FREMONT and Dr. A. J. DEROSSET, of this city, will receive and forward to those agents applications for laborers, and will give all information necessary to those asking for it.

The following letter to Dr. SATCHWELL, President of the Association, is from one of these agents:

HORGEN, SWITZERLAND, Jan. 2d, 1869.

DR. S. S. SATCHWELL—

Dear Sir: After my respects, this is to inform you that we arrived at this place on the 31st ult., after a long, rough and very disagreeable voyage. We have commenced operations here and have at this time several families already engaged to send over to America. Since I left home, I have learned that there is a Steamship Company running a line of Steamers from New York to Wilmington, N. C. I also learn that they propose to carry emigrants cheaper than the Newbern line. You will confer a favor by seeing their Agent in Wilmington and ascertain their price for carrying emigrants from New York to Wilmington, N. C., and let me know immediately, as I wish and feel it my duty to get the emigrants over there as cheap as possible. I hope we will be able to start home about the first of February.

Thinking that the farmers would not object to receiving a few Grape Vines, I have this day engaged ten thousand (10,000) vines, which I expect to send over with the first lot of emigrants, and I wish the vines to be distributed amongst the members of our Society.

Please write soon and oblige,

Yours, &c.,

WM. F. ATKINSON.

Dastardly Outrage in Robeson—Robbery and Attempted Murder.

The house of Mr. Reuben King, the worthy former Sheriff of Robeson, situated about one mile from the town of Lumberton, was the scene of one of the most dastardly outrages on Saturday night last that this section has witnessed for many months. About 7½ o'clock on the night mentioned, a band of some six or seven scoundrels, all apparently negroes, but some of them certainly white men with their faces blacked, approached the house of Mr. King, intent upon robbery and, if necessary, murder. Mrs. King they found on the piazza, and caused her to take flight by leveling their guns at her breast. One of the band then entered the house while the others remained without. The first intimation that Mr. King received of their presence was on looking up and seeing this man standing in his door with a gun leveled full at his body. Determined to defend himself and his dwelling to the last, Mr. King sprang up and clutched the gun and gave the ruffian battle, all unarmed as he was. They fell together upon the floor, and during their scuffle the gun went off without harm to either party. Upon hearing the report of the gun, the whole band rushed into the house and one of them drew a pistol and shot Mr. King in the spine, inflicting a mortal wound. Mr. E. B. Ward, a young man staying in the house, who then appeared upon the scene, was shot in the stomach by one of the party, the gun being charged with about forty small shot.—The natural protectors of the house being thus injured, the party proceeded to ransack the building. The only other person on the premises at the time was a young lady guest and she was compelled to fly for her life. The robbers succeeded in finding about $200 in currency that Mr. King had collected in Lumberton that day, and which was evidently the object of the outrage.—This was taken, together with a watch and what other valuables they could find. After ransacking everything and breaking open trunks and doing other damage, the villains took their departure, leaving Mr. King and young Ward bleeding upon the floor.

The next morning the Sheriff of the county made an attempt at a search, but the ruffians were not recognized and he did not find them. The wound of Mr. King is thought to be mortal, although he is still alive. The condition of young Ward yesterday was very critical, and it is hardly probable that he will recover. Mr. King is an old and esteemed resident of Robeson county. Young Ward was a quiet and inoffensive man, who attended to his own business and harmed nobody.—Every effort should be made to ferret out this rascally band and bring them to justice.

Since writing the above we have received two letters from Lumberton on the same subject. We publish the following:

LUMBERTON, Jan. 25, 1869.

EDITORS JOURNAL:—Our community is again the scene of unusual excitement, in consequence of a most dastardly attempt at murder and robbery, under the following circumstances:

On Saturday evening last, Reuben King, who for 26 years has been Sheriff of this county, left town for his place of residence, about two miles distant. He arrived about dusk, and had been home but a few moments when he was attacked at his fireside by a gang of robbers in disguise, (and 6 in number.) The first intimation he had of their presence was a man in the door with a gun pointed at him and the demand for his gold and silver. Mr. King jumped from his seat and succeeded in knocking down the muzzle of this fellow's gun, when the load was discharged in the floor, going entirely through. While engaged with this scoundrel, Mr. K. was shot in the back with a pistol, which caused him to fall helpless to the floor.

Mr. E. B. Ward, who was also present, was shot twice, both taking effect, from which he will probably die.

The Doctor in attendance has no hope of the recovery of Mr. King.

The robbers then proceeded to ransack the house, getting only about $200 from the pocket of the latter. They then made good their escape before any assistance could be had from town.

This is one of the boldest and most outrageous cases of murder and robbery it has ever been our sad lot to record, and is but carrying out to its legitimate result the teachings of Radicalism under the reconstruction laws of Congress. Times are getting much worse in this county and must continue to do so until the punishment is adequate to the crimes committed, which at present is a mere mockery of anything like justice. No man is safe who is supposed to have a little money.

Gov. Holden ordered the Sheriff of Robeson some time ago to capture these robbers and murderers at all hazards, but his order was never obeyed. Now let us see what they will do when it comes so near their own doors. The ringleader of this band, H. B. Lowry, was in jail recently, but owing to the negligence of Sheriff and Jailor, he soon got out. They are all supposed to be free mulattoes except one or two.

This entire community deeply feel for Sheriff King and family, as also with Mr. Ward, in their great affliction, as they were both peaceable and good citizens, and the loss of such a man as Mr. King will be mourned by very many to whom he has been a friend in time of need.

Bladen and Columbus Counties.

Governor Holden has issued his proclamation appointing Thursday, the 18th day of February next, for the purpose of electing a Senator from the Fourteenth Senatorial District, composed of the counties of Bladen and Columbus, in place of Senator J. W. PURDIE, declared to be banned by the Fourteenth Article of the Federal Constitution.

We trust our friends will immediately put forward their best man. No effort should be spared to prevent those men who have wronged the people of these counties in illegally thrusting out Mr. PURDIE, to reap the advantage of their own misdeeds. Let a good man and true be sent to the Senate. It can be done if our friends will only go to work.

Senator Robbins.

As we supposed, the Committee upon Bribery and Corruption did not intend to ferret out the real criminals in the Legislature, but rather to hide them, if the evidence was likely to involve the character of any of the "faithful." The people of North Carolina are well satisfied, notwithstanding the report of this Committee, that there has been bribery and corruption within the Legislature. Its positive proof would not more fully satisfy them of the fact.

As it is the investigating Committee ask to be discharged from the further consideration of the subject. Senator ROBBINS himself introduced a witness involving an indiscretion of his own, which no one acquainted with that gentleman can for one moment suppose had any criminal intent. As a matter of interest we publish it, with his own remarks on the report:

RALIEGH, 23d January, 1869.

To the Honorable the Speaker of the House and the Honorable the President of the Senate:

GENTLEMEN:—Your Committee submit herewith the testimony they have taken. They would report that several persons who have been summoned as witnesses have failed to appear. Your Committee would respectfully beg to be discharged from further consideration of the subject.

J. G. ESTES, Ch'm'n Com.
W. H. S. SWEET.
GEORGE A. GRAHAM.
J. W. BOWMAN.
A. C. WISWALL.
JNO. GATLING.
SAMUEL FORKNER.

The undersigned, a minority of your Committee, deem it proper to state in connection with Senator Robbins' case, that Mr. Stephens was summoned at the request of that Senator, who had previously (on Monday, the 18th inst.) submitted a voluntary statement of the transaction, which is fully corroborated by the evidence of Mr. Stephens; further that they regard the transaction as an inadvertence on the part of Senator Robbins, and in this opinion acquit him of intentional wrong.

L. G. ESTES.
W. H. S. SWEET.
JNO. GATLING.
J. W. BOWMAN.

EVIDENCE OF MR. JOHN W. STEPHENS.

Question by Mr. Sweet—Were you interested in the passage of any resolution of this General Assembly at its first session, and if so, what resolution?

Answer—I was, in two. The first was a resolution from the Committee on Privileges and Elections; the second was a resolution introduced by Mr. Welker to allow me my *per diem* and mileage while contesting the Hon. Bedford Brown's seat in the Senate.

Question by Mr. Sweet—Did you have any conversation with Senator Robbins in regard to the resolution giving you *per diem* and mileage, if so repeat in detail that conversation?

Answer—I did, after the resolution was lost on Friday night. On Saturday morning, the 22d of August, I met Mr. Robbins in the lobby and asked his opinion as to my getting my *per diem* and mileage. He said he was in favor of it and would vote for it. I asked him if he could get a reconsideration of the matter, and told him that if he would, I should satisfy him for it. He said he would try. I then told him that if he succeeded I would pay him $20. This took place a short time before the question came up again in the Senate. Mr. Robbins did appear in my behalf and succeeded in getting my *per diem*, when I paid Mr. Robbins the $20.

Question by Mr. Gatling—Did you consider, at the time you made this offer to Mr. Robbins, that you were employing him as a lawyer or that you were offering him a bribe for his vote?

Answer—I said to Mr. Robbins during the conversation above alluded to, "You are a lawyer and I know that lawyers work for money." I considered I was not paying him for his vote because he had already stated to me that he expected to vote for me.

Question by Mr. Gatling—How long were you engaged in talking to Mr. Robbins on the subject?

Answer—We had but one conversation on the subject which was in the lobby, and it lasted not more than five minutes.

Question by Mr. Gatling—Did Mr. Robbins intimate to you that he desired to return that money to you, and for what reason?

Answer—Yes, he came to me in my seat in the Senate after the adjournment, and said he desired to return me the money, for he considered it wrong that he should keep it.

Question by Mr. Gatling—Do you recollect about what time it was that he offered to return the money?

Answer—About two weeks ago to the best of my recollection.

Question by Mr. Gatling—At the time this transaction took place, was there any word said between you and Mr. Robbins about keeping the matter secret?

Answer—There was not.

When this report was made in the Senate, Senator Robbins said:

Mr. President, I feel solemn. A man on whose name the breath of reproach or suspicion was never before breathed, now held up in the face of all the people of North Carolina with an imputation of a serious nature resting upon me. Under these circumstances, I desire to repeat the statement which I voluntarily made to the Investigating committee six days ago, and before any steps had been taken to examine this case.

The occurrence out of which this whole trouble has arisen took place about as follows: On Saturday morning, Aug. 22d, being the last active day of the Summer session, as I was passing through the lobby with my mind much engaged and preoccupied with various matters, and especially with the preparation of an address which Senators had appointed me to deliver that morning, Mr. J. W. Stephens approached me and asked what I thought of his right to his *per diem*. *I told him I was in favor of it and should vote for it.* He then said something to this effect, that as I was in favor of it, he would like to get me to attend to the case for him *as his lawyer*; and he would pay me a fee of twenty dollars for my labor and trouble. My recollection is that I replied, that is just as you please, Mr. Stephens, but I will do as you have requested. This was the substance of our conversation, which altogether did not last five minutes. I did not myself offer any resolution on the matter of his *per diem*, at any time, but when the question came up that morning on some other Senator's motion, I remember making some remarks in its favor, and illustrating the matter with examples and instances of the same kind. I had expressed my views in favor of his claim to Senators Lindsay and Cook, on the day before all this occurred, as Mr. Lindsay testifies.

By inadvertence and pre-occupation of mind, I failed to recognize at the time the fact that my public character as a Senator rendered it improper for me *to take this fee as a lawyer*. In the latter point of view only did it then present itself to me. I did not think deliberately about it. If the amount had not been so trifling it would have called my attention at once to the nature of the thing, and it would never have occurred.

Singular as it may seem, I aver that I had totally forgotten this matter, until after we passed the resolutions ordering this investigation. In all the discussion upon those resolutions, in which I made myself conspicuous, this incident never occurred to my memory. But one day, some time after this committee had been constituted, as I was walking along the street, thinking also how sweet it was to feel that I was innocent and in no danger, suddenly, as my mind glanced back over the past, the fact of money having been paid me came to my memory like a flash, and I began to ponder over it, and saw in a moment how it was capable of being misconstrued.

When this matter first began to be stirred I was in a great strait. I felt conscious of no intentional wrong. But I knew how bad men would pervert my act, and this caused me at first to hesitate as to what course to pursue. I confess I was not then collected enough to know what to do. But sober meditation soon decided me to preserve the *substance* of truth and honor, rather than the *semblance* only; and resolved to tell the facts without reserve, and trust my cause with the good people of North Carolina, and with God who searches all hearts.

I frankly own an inadvertent mistake. I deny all thought of wrong. If *any man* charges me with *bribery, venality, corruption or dishonesty, I utterly and indignantly deny the charge!*

In all this matter I recognize the hand of an overruling Providence. Perhaps he saw that the fond hopes of distinction opening before me were growing too dear, and has appointed this singular and mysterious train of incidents to snatch this world from me. With reverent awe I bow to Him, and commit my destiny to His hands.

Serene in the consciousness of my own rectitude, Senators, I await your decision as my peers.

Despotism of Reconstruction.

The following extract from Governor WORTH'S letter, in regard to Trial by Jury, shows, if possible, the worst features of the terrible despotism the helpless people of North Carolina was made to endure pending her reconstruction. These crimes will remain a blighting curse upon the record of the "best Government the world ever saw" as long as the history of the times bears upon its living pages these terrible exposures:

RALEIGH, Dec. 31, 1867.

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JURY TRIAL.

By the laws of this State, freeholders only are made competent to serve on Juries. The County Courts are required, from time to time, to review lists of freeholders and cast out all not well qualified to serve, and to draw Juries for all our Courts out of the lists, after being thus purged. The law does not limit the drawing of white men; but negroes, not being regarded as citizens, are never drawn as jurors. Gen. Sickles, by his order No. 32, dated May 30, 1867, ordained that "all citizens assessed for taxes, and who shall have paid taxes for the current year are qualified to serve as Jurors." The Courts were ordered to carry this order into execution without delay.—No power was allowed the Court to cast out any tax-payer, white or black, however ignorant or debased his character might be. Our Sheriffs and tax-collectors are required to collect the taxes and make their returns by the 1st day of October, and consequently our Courts *could not know* till after the 1st of October, who paid a tax *the current year*. In the early part of August I was informed that two Courts had been broken up by subordinates of Gen. Sickles, because Juries had not been drawn as prescribed in order No. 32. The Fall Term of our Superior Courts was just about to commence and I understood Post Commanders were ordered not to allow any jury trial where juries had not been drawn conformably to Order 32. Upon my satisfying Gen. Sickles, by telegram, that it was impracticable to execute his order till after the 1st of October, he issued orders suspending its execution till it was practicable for the Courts to carry it out. I remonstrated to General Sickles against this order as being worse than would be our edict abolishing jury trial, and as being excessively distasteful to our people, and unnecessary to the fulfillment of the legislation of Congress. He would neither revoke nor modify it. Soon after Gen. Canby assumed command I made a renewed appeal (see copy of his appeal annexed, marked 1) in which I insisted that he should at least modify it in conformity with Chief Justice Chase's order to the Marshal at the opening of the U. S. Court here. He ordered the Marshal to summon negroes as Jurors, they being otherwise qualified by law. This made all negroes competent who owned a freehold; in other words, *put them on the same footing with white men.* Soon afterwards, about September 13th, 1867, Gen. Canby modified the order as follows: "All citizens assessed for taxes, and who shall have paid taxes the current year, *and who are qualified and have been or may be registered as voters* are hereby declared qualified to serve as jurors," making the matter *far worse* than Gen. Sickles had left it. By disqualifying our citizens not allowed to vote, who comprise the chief intelligence of the country as truthfully and manfully admitted by Gen. Sickles in his letter to Senator Trumbull, he would have made trial by jury a ridiculous caricature upon this time honored institution. Upon my representing to him that the Courts could not execute this order until registration was completed, and they were furnished with copies of the registration books, he finally allowed men to be drawn, but provided that either party might put them off by challenge. This innovation upon our jury laws is generally regarded as an unnecessary and offensive display of power, calculated to foster and engender hatred against the government, instead of bringing about the reconciliation and fraternity which every good man should encourage.

One of the lamentable effects of the military edicts abrogating our laws and decreeing new ones, is the resignation of Judges Merrimon and Fowle. See copies of their resignation marked J. and K.) explaining the reasons constraining them to resign, and a number of our conscientious and intelligent Justices of the Peace. A part of the oath of office of every Judge and Justice of the Peace, as prescribed by statute, is in these words: "I will not delay any person of common right by reason of any letter or command from any person or persons in authority to me directed or for any other course whatsoever, and in case any letter or order come to me, contrary to law, I will proceed to enfore the law, such letters or orders notwithstanding." These gentlemen held that they could not obey many of the military mandates of Gens. Sickles and Canby, having due regard to their oath of office. The vacancies cannot be suitably filled by men who will take the iron-clad oath:

* * * * * * *

JONATHAN WORTH.

State Honor and Credit.

If it be a truism that "that government is best which governs least," then has North Carolina been most terribly cursed since the end of the war. Without regard to the terrible crimes of our military commanders, as exposed in Governor WORTH'S letter to President JOHNSON, never were a people so much governed since the world began. Within three years and a half we have had two Conventions, both exercising legislative powers, one holding several sessions, and three distinct Legislatures, each sitting for two or more sessions. And yet, though the third has been quite two months in session, there seems to be more business now on its calendars than at any previous day since it met. Each and every one of these bodies has filled large volumes in adding to and amending the laws of the State, and to-day it seems as if the objects aimed at were further from attainment than when the armies of the Southern Confederacy surrendered. There is less system and more confusion now in the administration of civil affairs in this State than during the darkest and most trying hours of the late war. The laws are less known and less obeyed; violence is more frequent and more sanguinary; crime more rife and bolder, and less frequently ferreted out and punished. The administration of justice was never so loose or partial.—The demoralizations of the war, great as they certainly were, had never so corrupted official honesty, or placed a premium upon criminal chicanery. The partisanships, then naturally nurtured by the necessities and dangers of the times, never extended beyond the over-jealous demands of self-preservation and protection; but now they descend to subserve the purposes of private revenge and individual aggrandizement.

State and individual credit was never at so low an ebb as at present. Never was less confidence felt in public honesty and virtue. At no time in our history was the honor of the State so aspersed by the foul taint of suspicion enveloping her public officials. Charges and counter-charges—criminations and re-criminations—corruptions and briberies, fill the proceedings of our Legislature, and hang like a hideous night-mare upon the honor and credit of North Carolina.

Last month bribery was charged in the Legislature to procure the passage of important bills involving millions of dollars, and it is believed only failed of proof by the precipitate flight of important and interested witnesses; last week fraud and corrupt ignorance were charged in the purchase of lands for the use of the Penitentiary, and the guilty wretches now writhe under the terrible exposures of the Senate Committee; a day or two since, corruption was charged in the enrollment of an important act involving the honor of the Secretary of State and the Committee on Enrollment, which we believe is now the subject of investigation; yesterday peculation was charged in the purchase and distribution of stationery, involving the character of the Secretary of State and Doorkeepers of the Senate, of which ventilation is promised, and to-morrow doubtless we will have some new phase of the kleptomania which seems to have laid violent hands upon our officials and corrupted the fountain-head of public credit and State honor.

In the meanwhile, with the loss of reputation, with the prostitution of the judiciary for political purposes, in the general confusion of laws and chaos of civil and political affairs, brought on through the ignorance and corruptions of our State officials, crime stalks boldly abroad, satiates its appetite for plunder and bloodshed, and, unmolested, prepares, at its leisure, to renew its dreadful visitations. The unarmed traveler upon the highways, the venerable citizen in the midst of his own family, around his own hearthstone—nay, the hallowed remains of the dead—are alike victims of desperate bands of desperadoes who daily outrage the laws of God and man with impunity.

Every executive and judicial officer in the State, and three-fourths of the legislative and two-thirds of the county and municipal officers are members of that party which promised our people prosperity, peace and quiet to follow our restoration to the Union. The making and the execution of the laws are with them, while the expenses only fall to the lot of their political opponents. While the latter is made to press grievously upon the good citizens, the former seem to have no restraining effect upon the bad. If we measured our State government by its cost, it should be most efficient; if we judge it by its merits, it must sink into unenviable oblivion. If, in the morning of its existence, it has sacrificed the honor of the State and bankrupted its credit, what may we expect in the "yellow leaf"?

Wilmington, Charlotte and Rutherford Railroad.

Mr. French's amendment to the Senate bill dividing the Wilmington, Charlotte and Rutherford Railroad passed its third reading in the House on Tuesday. This bill provides that the State shall issue four million dollars of bonds in aid of this road, and securing the State a representation in the Company. So many amendments have been made, and probably others will be made in the Senate, that we can hardly tell the exact character of the bill as passed.

FAIR PLAY vs. FOUL PLAY.—Many of our readers have doubtless read with intense interest the thrilling story of "Foul Play." The resemblance between this work and "Fair Play," written previously by Mrs. Southworth, has been such as strike careful readers with wonderment or suspicion. It will be seen by the following letter from Mrs. Southworth to Mr. Heinsberger, of our city, that she boldly, yet pleasantly, vindicates her claims to originality in the work of "Fair Play":

FIFTH AVENUE HOTEL, NEW YORK,
Jan. 15th, 1869.

MR. P. HEINSBERGER—

DEAR SIR:—Your esteemed note reached me at my home in Virginia * * *

In reply I will state that Fair Play was first published in the *N. Y. Leager*, and copied in the *London Journal* in 1865-'66.

Foul Play is first published in 1868, and with so much resemblance to Fair Play, as to cause the reader of both books to suspect a plagiarism on the one hand or the other.

This resemblance may be found in what has been called "the most beautiful and original part" of each story, and which describes the situation of the shipwrecked lovers on the solitary island—a situation, I thought, quite unique in literature; the conception of which I claim to be entirely original with myself.

While I do not desire to charge the distinguished authors (Messrs. Read & Boucicault) with any intentional "foul play," I am compelled to make these statements in order to secure to myself and work "Fair play."

* * * With warmest respects * * * &c.,

EMMA D. E. N. SOUTHWORTH.

NEW SYSTEM OF MUSICAL INSTRUCTION.—The lecture delivered at the Presbyterian Church last evening, upon a new system of teaching vocal music, by Mr. R. M. McIntosh, was both highly interesting and instructive. Before commencing a description of the course of instruction he has adopted, the speaker made a few remarks upon the very important part music should take in Divine worship, and was earnest in his advocacy of congregational singing in our Churches, the choir forming as it were, only the part of leader. He then proceeded to illustrate his remarks by explanations upon the blackboard. the extreme simplicity of which, and the ease by which, they were comprehended by all was evident in the rapid progress made by his impromtu, through diffident, class. His system is new and original, any number—even an entire congregation—can be taught at once, and he possesses the happy faculty of imparting instruction both pleasantly and efficiently.

Mr. McIntosh proposes to organize classes here. His terms are $4 per single scholar, and $10 for families, for a course of twelve lessons.

We return our thanks to him for a copy of his Musical work, entitled "Tabor, or the Richmond collection of Sound Music," designed by himself for the various religious societies of the Southern and Southwestern States.

Daily Journal 27th.

BEAUFORT CORRESPONDENCE.

Beaufort Harbor—Beaufort and Morehead City—Fort Macon—The Legislative Committee—Consolidation—Norfolk and the North Carolina Trade, &c., &c.

BEAUFORT, N. C., Jan. 22.

Messrs. Editors:—I came down here a day or two ago to examine this harbor, following the example of the illustrious legislators who have the consolidation of the North Carolina and Atlantic Railroads in view. I have been to all points, and now propose to give you and your readers an idea of what it is. The entrance to Beaufort harbor lies just to the south and west of Cape Lookout, the shoals of which Cape extend into the Atlantic ocean twelve or fifteen miles. It was on these shoals that the steamer "Gulf City" was lost on the night of the 11th inst., when, as far is known, only three men out of a crew of twenty-eight were saved. The channel is plain, distinctly marked by a line of breakers on each side, and has a depth of water of about seventeen feet on the bar. Hence it is easily entered by vessels and forms a place of shelter from severe gales. After passing Fort Macon, which stands on the western side of the entrance, there is a narrow and deep channel up to the railroad wharf at Morehead City. When you get out of that you can wade about anywhere at low tide.

Standing by the dial at Fort Macon and facing north, you have on your right, just in sight, the light-house on Lookout with "Shackelford Banks, or Island" between; behind you is the broad sea; at your left Morehead City, across the sound and stretching along it; and in front Beaufort. "New Port River" comes in between the latter place and Morehead, and it is at the mouth of this river that the Atlantic Railroad terminus is located. I think you can almost sketch the harbor after I tell you that the entrance is about a mile wide; to Beaufort and Morehead about two miles each. The anchorage is good, and all the sounds, rivers, creeks and arms of the sea abound in fish and oysters of the finest kind. I bought oysters as large and fine as your celebrated "New Rivers" at thirty cents per bushel.

Beaufort seemed to be trading some, but Morehead appears as near dead as any place I have visited. I think no vessel drawing over 6 feet could get to Beaufort at *high tide.*

Fort Macon appears to be in about as good condition as in 1861. The armament is heavier, but the gun-carriages are rotting down and no appropriation seems to be available for repairs. There are about 60 prisoners there, all soldiers, who have been convicted of crimes and confined for punishment. There was some sailing done by the Legislative delegation; much mean whiskey disappeared and some oysters were eaten; after which it was decided to make an immediate connection with Memphis and all points west and south of that city, draw the trade at once to a head at Morehead, and make New York envious of our superior Southern enterprise and sagacity. Why not? When Norfolk, having already grasped Memphis, is stretching out beyond for the Pacific trade, when a Norfolk paper talks as follows:

"We have the grand trunk railway from here to Arkansas, via Norfolk and Petersburg, Southside Virginia and East Tennessee, Knoxville and Chattanooga, Memphis and Charleston, and Memphis and Little Rock (Ark.) railroad; which secures Southside Virginia, Tennessee, North Alabama, Mississippi, and Arkansas. We then have the line connecting Richmond with the Kanawha Valley, West Pennsylvania, and the Ohio region of country, rapidly approaching completion, which will open one of the richest mineral sections of the universe. Then the line from Bristol, through Cumberland Gap, on through Kentucky, which secures to us the immense products of the Northwest, the finest country in the world. With the Norfolk and Great Western connecting at Danville with the Piedmont railroad, and the line connecting Charlotte, N. C., with Atlanta, Ga., via Yorkville, S. C., completed, we have a direct and uninterrupted line of communication by rail from Norfolk to Vicksburg, Miss., which will open to Middle and Lower Mississippi, Alabama, Central and Northern Georgia, Northern South Carolina, and Central and Western North Carolina, an outlet that will place them in comparatively quick communication with the whole Eastern world.

"Our Seaboard road is a direct connecting link with the entire South Atlantic coast, and with Eastern and Central North Carolina, Central South Carolina and Alabama, to Montgomery.—The new line connecting Raleigh, N. C., with Augusta, Ga., via Chatham Coalfields, N. C., Cheraw and Columbia, S. C.—which is advancing toward completion with considerable energy—will make a direct air-line from Portsmouth to Montgomery, where it forms a junction with the line from Danville to Vicksburg.

"A road is now chartered, and we believe under contract, connecting Suffolk, Va., with Wilmington, N. C., by way of Edenton, Plymouth, Washington and Newbern. This opens up another very valuable portion of North Carolina, the products of which will come hither. The Dismal Swamp, and Albemarle and Chesapeake canals are important channels of trade with our cities. Besides the railroad to Lynchburg, we have the James River canal, which is also a most valuable tributary."

Why not let Morehead have a chance? She has all the advantages of position claimed for Norfolk, except the Virginia outlets. The coolness with which these Norfolk men set down and, ignoring the existence of business places in the State, throw their arms around and draw to themselves the trade of North Carolina, east and west, is astonishing, in view of the fact that one city in North Carolina exports more than the said city of Norfolk.

As ever yours,

"IN TRANSIT."

Chicago is having a successful season of English opera.

From the Raleigh Sentinel.

LEGISLATURE OF NORTH CAROLINA.

SENATE.

NIGHT SESSION.

THURSDAY, Jan. 21, 1869.

UNFINISHED BUSINESS.

The discussion of the bill to separate the Eastern and Western divisions of the Wilmington, Charlotte and Rutherford Railroad.

Mr. French offered a substitute, to be entitled an act to amend the charter of the Wilmington, Charlotte and Rutherford Railroad, to provide for the completion of said Road, and to secure to the State a representation in the Company. [This substitute provides that the capital stock of the Company be increased to seven millions, and in order to complete the Road the Treasurer of the State is directed, as soon as this amendment is accepted by the Stockholders, provided it shall be done within ninety days after the ratification of this act, to subscribe on behalf of the State four million dollars. For payment of subscription of said four millions, the Treasurer issue coupon bonds of the State in sums of one thousand dollars each, bearing interest at the rate of six per cent. per annum, payable semi-annually, and the principal at the end of thirty years.

Two millions of dollars of the subscription be applied exclusively to that portion of the Road west of Charlotte, called the Western Division.

The Directors of the Company, as provided for in the Charter, are limited to thirteen, the State appointing seven and Stockholders electing six, and after the acceptation of this act by the Stockholders, and the payment of one million of dollars of the bonds of the subscription authorized on the part of the State, there shall be within sixty days after said payment a meeting of the Stockholders and Directors elected and appointed, and a reorganization immediately. Adopted.

That the acceptance of this act by the Stockholders shall not affect any of the liabilities or contracts made by the said Wilmington, Charlotte and Rutherford R. R. Co. For the purpose of paying interest upon the bonds issued and the principal at maturity, an annual tax of one-eighth of one per cent. is imposed upon all the taxable property of the State, which shall be levied, collected, and paid into the Treasury as other public taxes, and the surplus, after paying interest, shall be invested in securities of the United States or other safe securities, and kept as a sinking fund for the payment of the principal money at maturity.

Mr. French said if the bill separating the divisions of the road was passed, it would amount to nothing whatever, as any Stockholder or bond holder could sue out an injunction and stop the proceedings.—While on the other hand, the adoption of his substitute would be extremely agreeable to the majority of the Stockholders, and would result in a speedy completion of the road, &c.

Mr. Justice, of Rutherford, spoke for sometime in opposition to the substitute, and urged the adoption of the bill as it came from the Senate.

The question recurring upon the substitute, the yeas and nays were called, and resulted in a vote of yeas 53, nays 42.

The question then recurred upon the passage of the bill on its second reading.

The yeas and nays being called, resulted in the following ballot:

AYES—Messrs. Ames, Ashworth, Barnett, Bowman, Candler, Carson, Carey, Cawthorn, Cherry, Davis, Dixon, Downing, Ellington, Estes, Forkner, Foster, Franklin, French, Gahagan, Gatling, Gilbert, Graham, Green, Grier, Hendricks, Hicks, Hoffman, Hudgings, Ingram, Justice, of Rutherford, Kelly, of Davie, Ladin, Leary, Long, of Richmond, Malone, Matheson, Mayo, McCanless, Morrill, Morris, Painter, Peck, Price, Proctor, Profitt, Renfrow, Robbins, Siegrist, Sinclair, Simonds, Stevens, Vestal, Vest, Waldrop, Welch, White, Whitley, Wilson.—60.

NAYS—Messrs. Allison, Armstrong, Boddie, Clayton, of Transylvania, Davi leon, Durham, Ellis, Ferebee, Gibson, Hawkins, High, Hinnant, Hodnett, Horney, Humphries, Jarvis, Kelly, of Moore, Long, of Chatham, McMillan, Mendenhall, Moore, Parker, Pearson, Pou, Rea, Robinson, Seymour, Shaver, Smith, of Alleghany, Snipes, Stanton, Sykes, Thompson, Williams, of Harnett.—33.

On motion of Mr. Laflin the House then adjourned until to-morrow morning at 10 o'clock.

SENATE.

FRIDAY, Jan. 22, 1869.

THIRD READING OF BILLS.

Bill to prevent hunting on the Sabbath. Passed. Messrs. Martindale, Rich and Galloway, colored, voted in the negative.

Bill to allow citizens of North Carolina to practice in the Courts of the State.—Passed.

RESOLUTION.

By Mr. Moore, of Carteret: A resolution declaring the seat of the Senator from the 16th District, (Mr. Oates) vacant.

On motion of Mr. Hayes, the report of the Committee was read.

Mr. Moore, of Carteret, called the previous question which was sustained, and the resolution passed.

AYES—Messrs. Barrow, Beasly, Beeman, Bellamy, Brogden, Burns, Blythe, Cook, Davis, Eaves, Etheridge, Forkner, Galloway, colored, Hayes, Hyman, colored, Jones, of Wake, Lassiter, Long, Martindale, Moore, of Carteret, Moore, of Yancey, Richardson, Shoffner, Smith, Stephens, Welker and White—27.

NAYS—Messrs. Beall, Graham, Lindsay, Love, Melchor, Scott and Wilson—7.

Mr. Graham said he did not believe a Sheriff was either a judicial or executive officer of the State, and that Judge Brooks had so decided, and it is upon this ground alone that the Senator is charged with being banned, he should vote no. He was not present when the Committee prepared the report, and was the only Conservative on the Committee, and now he was very discourteously denied the privilege of presenting the views of the minority.

Mr. Love said he desired to express his views in reference to Mr. Purdie's case, but was prevented from doing so by a Senator who has made himself *notorious* for calling the previous question, *and for nothing else*, and now he deprives the entire Senate of saying anything. He did not believe the Senator was banned, and should vote no.

Mr. Welker said as he did not wish to spend so much of the people's money and disturb the *Sentinel* again, or to listen to long, windy speeches any more, he should vote aye.

UNFINISHED BUSINESS.

Resolution instructing the Public Treasurer to wit:

Whereas: The Public Treasurer has in his possession funds belonging to several Sheriffs of the State and for which he is personally responsible.

Therefore be it Resolved, (the Senate concurring,) That the Public Treasurer be and is hereby authorized to use for the payment of the members of this Legislature and other expenses of the State, such as may be in his hands to the credit of Sheriff's and that the State shall guarantee the said Treasurer from all harm that may come to him from any points that may be brought under the plea that he has unlawfully paid out such money.

Mr. Love moved to amend the resolution, by prohibiting the Treasurer from paying out said monies anything on the Stockade or Penitentiary contract.

Mr. Love offered a substitute for his motion, which was adopted.

Mr. Moore, of Carteret, moved to indefinitely postpone the resolution, which was lost—ayes 18, nays 18, the President voting in the negative.

The question recurring on the passage of the resolution, it was rejected—ayes 19, nays 20.

On motion of Mr. Moore, of Carteret, the vote by which the Resolution of instructions to the Public Treasurer was rejected, was reconsidered.

Mr. Moore, of Carteret, moved to strike out the proviso offered by Mr. Love.

The President ruled that this motion was not in order.

Mr. Etheridge moved to reconsider the vote by which the proviso offered by Mr. Love was adopted.

Mr. Shoffner moved to lay the motion on the table, which was lost, and the motion of Mr. Etheridge to reconsider prevailed.

Mr. Etheridge then offered the following as a substitute, to wit: *Provided,* That the Treasurer be instructed to pay no money out of the Treasury, except to members and officers of the Legislature and the heads of the different departments upon their salaries and *per diem.*

Mr. Cook called the previous question, which was lost.

Mr. Love offered to accept the amendment.

The Chair ruled that he could not.

The question recurring, the substitute was adopted, and the resolution was rejected.

On motion of Mr. Welker, the Senate adjourned until to-morrow, 10 o'clock.

HOUSE OF REPRESENTATIVES.

FRIDAY, Jan. 22, 1869.

BILLS.

By Mr. French: A bill to extend the jurisdiction of the Special Court in the city of Wilmington. Referred.

By Mr. High: A bill in favor of S. G. Bunting. Referred.

On motion of Mr. Malone, the rules were suspended and his resolution in reference to immigration was taken up.

On motion of Mr. French, the words "as the very best that can be done" in Section 2, line 4, was stricken out.

The resolution was then adopted.

On motion of Mr. Laflin, the rules were suspended.

A bill to be entitled "An act amendatory of the act to incorporate the Western North Carolina Railroad Co., and acts amendatory thereof," was taken up.

[This bill provides that the capital stock of the Western Division shall be ten million, and the capital stock of the Eastern Division shall be increased six million and a half dollars, and the State shall subscribe for the stock of said Company as now provided by law, until said road is completed; *Provided, nevertheless,* That of the appropriation made for the Eastern Division of said Road, a sum not exceeding eighty thousand dollars shall be expended in the construction of a branch road leading from a point at or near Catawba Station in Catawba county, to the lime beds in said county, &c. This bill also provides for a special tax of one-eighth

ored, Crawford, colored, Davidson, Downing, Ellington, Estes, Forkner, colored, Foster, Franklin, French, Gahagan, Gatlin, Gilbert, Graham, Harris, of Wake, colored, Hayes, colored, Hendricks, Hicks, Hodgin, Hudgings, Ingram, Justice, of Henderson, Justice, of Rutherfordton, Kelley, of Davie, Kinney, Laflin, Leary, colored, Long, of Richmond, Malone, Matheson, Mayo, colored, Morrill, Morris, colored, Painter, Pearson, Peck, Proctor, Robbins, colored, Robinson, Siegrist, Sinclair, Simonds, Stevens, Stilley, Sweat, colored, Vest, Waldrop, Welch, White, Wilkie, Williamson, colored, Wilson and Wiswall.

The amendment of Mr. Estes was then put to a vote and adopted.

On motion, the House then adjourned until 7½ o'clock this evening.

HOUSE OF REPRESENTATIVES.

EVENING SESSION.

FRIDAY, Jan. 22, 1868.

Mr. Downing arose to a question of privilege. He was sorry to trouble the House so often about this matter, but he understood that a Senator had said to-day, that the Penitentiary Committee had signed their names to palpable untruths. He alluded to Senator Love. After consultation with his (Downing's) friends, as to the proper manner as to how he should notice the charge, he had concluded to pronounce the statement false from his seat in the House, &c.

He then characterized the report of the Senate Committee of Investigation as unfair, and in many particulars, absolutely false, &c.

Mr. Sinclair arose to a question of privilege. His attention had just been called to the remark of Mr. Welch on yesterday morning in reference to the conduct of his command during the battle of Newbern. He had explained to Mr. Bowman before Mr. Welch arose, that his (Sinclair's) remarks in regard to the excursion party were made in a jocular manner; therefore, he considered the remarks of Mr. Welch as extremely uncalled for.

Mr. S. then proceeded to give a slight sketch of his military career, and stated that if any blame was to be attached to any one for the conduct of the battle around Newbern, he would much rather it should fall upon him than any of those dead heroes, for he was living and fully able to vindicate himself. He was proud that his good fortune had led him to serve under so brave and gallant a man as General Branch, and if any one meant to reflect upon him, (Gen. Branch,) or any of his command, as brave men and gallant soldiers, they spoke falsely.

Mr. Welch said he was a North Carolinian and was proud of the record of North Carolina soldiers during the late war. No man held the memory of Gen. Branch and the gallant men of his brigade in greater affection and reverence than he. His language on yesterday could not possibly be construed into reflecting in any way upon those noble and brave men. What he said had been couched in plain English, and the gentleman and the public generally, could draw their own inferences. The language he used was meant solely for the gentleman who saw fit to be jocular at his expense in such a broad manner. If any other construction was put upon his language it would be a most false interpretation.

A message was received from the Senate refusing to concur in the House resolution authorizing the Treasurer to pay members out of the money deposited by Sheriffs, &c.

On motion, the rules were suspended and House bill No. 37 (tax bill) was taken up.

After various amendments, the bill passed its third reading and was ordered to be engrossed and sent to the Senate.

On motion of Mr. Painter, the House then adjourned until 10 o'clock to-morrow morning.

SENATE.

SATURDAY, Jan. 23, 1869.

Mr. Lindsay arose to a question of privilege. He desired to make a statement to the Senate in relation to a matter which he thought demanded investigation. He had called on the Clerk for stationery, and was informed by him that he had none. He the Clerk, had transmitted an order to the Secretary of Sate for stationery, and he the Secretary) only filled one-half the requisition, and filed the order for the whole amount. Why is this, sir? Are we not entitled to necessary stationery, and is not that the proper mode to procure it?—He did not intend any unjust reflection on the Secretary of State by making this statement; he only desired the matter to be conducted properly, and if there is any wrong done it should be righted.

Mr. Barrow moved that a committee of three be appointed to investigate the matter.

Mr. Hayes desired to bring to the attention of the Senate an advertisement of the John Armstrong, Book-binder, which appears in the *Journals of the General Assembly at the expense of the State.*

Mr. Sweet said he was glad this matter had been brought to the attention of the Senate, and hoped the committee would be appointed. It was due the Secretary of State that the investigation should be had; he believed that the Secretary had the interests of the State at heart, and was glad we had an officer who would take the responsibility on himself of withholding requisitions when, in his judgment, the articles applied for are disposed of improperly. When this investigation is had this Senate will be surprised at the enormous amount of stationery consumed by this General Assembly; it will amount to enough to sustain the University of the State for years.

Mr. Davis said he hoped the proposition would be voted down. It seemed to him this Senate had a mania for raising investigation or smelling committees. He would not be surprised at any time if there were a proposition made to appoint a committee to ascertain if the members paid their hotel bills. He was tired of such propositions and thought there should be an end to them.

Mr. Barrow said he made the motion because he thought it a matter that should be looked into. It was a chronic complaint. There are rumors on the streets that the members of the General Assembly are charged as high as $100 each for stationery. He had not used one dollar's worth, and he did not believe that one-half the amount charged had been consumed by any member of the General Assembly. He hoped the motion would prevail.

Mr. Love said he did not agree with the Senator from Montgomery; that matters of this character should be treated lightly. It is a matter of serious character and should be investigated at once, in justice to the Secretary of State and of the Door-keepers. It is true that there is considerable difference in the stations which they fill, yet the honor of one is as precious to him as that of the other; the motion should prevail.

A. H. Galloway, colored, thought that after the remarks of the Senator from Craven, it would be simple justice to the Door-keepers that this investigation should be had. The idea is conveyed that they have disposed of stationery in an improper manner. He had been informed by the Secretary of State that the Senate had consumed more stationery than the House of Representatives. He did not believe the statement was true. So far as he was concerned he had bought his own stationery at the book stores in this city, and could show his receipts therefor, the charge of consuming stationery belonging to the State could not be laid at his door.

Mr. Moore, of Carteret, called the previous question, which was sustained and the motion was adopted.

The President designated the committee, viz: Messrs. Lindsay, Beall and Barrow.

REPORT OF COMMITTEES.

Mr. Brogden, from the committee on Finance, reported favorably on a resolution for the relief of A. J. Murray.

Mr. Moore, of Carteret, from the committee on Corporations, reported favorably on a bill to incorporate the town of Lillington.

INTRODUCTION OF BILLS.

By Mr. Robbins: A bill to postpone the time for levying the taxes for 1869. Referred to the committee on Propositions and Grievances.

CALENDAR.

Bill for the relief of Mr. Hardie, late Sheriff of Cumberland county.

Mr. Martindale moved to amend by inserting the names of the late Sheriffs of the counties of Washington, Martin and Tyrrell.

Mr. Love moved to amend by including all the late Sheriffs in the State. After some discussion both amendments were lost.

Mr. Moore, of Carteret, called the previous question, which was sustained, and the bill passed its third reading.

Resolution asking the opinion of the Supreme Court in reference to the following subject passed, to-wit: 1st. Does article 10, of the State Constitution, entitled "Homesteads and Exemptions," exempt from sale under Court executions obtained on a contract complete before the adoption of the State Constitution, a realty or homestead of the value of one thousand dollars.

2d. Is personal property of the value of five hundred dollars exempt from sale under execution of a like character.

Bill to amend the Charter of the Fayetteville and Florence Railroad Company.

On motion of Mr. Hayes it was recommitted to the committee on Internal Improvements.

Mr. Sweet presented a voluminous report from the committee on Bribery and Corruption, which was read and,

On motion of Mr. Moore, of Carteret, its consideration was postponed until Wednesday next.

On motion the Senate adjourned until Monday at 10 o'clock.

HOUSE OF REPRESENTATINES.

SATURDAY, Jan. 23, 1869.

Mr. Justice, of Rutherford, moved to suspend the rules and take up his resolution in regard to accepting Mr. Downing's proposition to buy the site and land of the Penitentiary.

He asked for the adoption of his resolution in order that the Legislature might get rid of further trouble in regard to that affair. He thought that all the noise raised over that matter was solely to make political capital, &c.

J. S. Leary, colored, said the attempt to pass this resolution under a suspension of the rules was a dodge to smooth over this matter. He wished the House to pass upon the Senate bill in regard to repealing the act purchasing the site and land of the Penitentiary. He did not regard the purchase as legal, therefore did not see how they could sell what they did not own.

Mr. Sinclair favored the suspension of the rules.

Mr. Downing said the passage of this bill would amount to nothing whatever as the coommittee had had made the purchases by law—a law of the enactment of this very Legislature. If this bill passed, the matter would have to go into Court for a settlement; therefore an acceptance of his proposition would avoid all this trouble.

Mr. Ingram said he made no objection to a suspension of the rules, but he was not willing to accede to the principle that the State owned legally the property in question. He was willing to accept the gentleman's proposition so far as the nominal title of the State was concerned in the aforesaid property, &c.

Mr. Pou, in a lengthy argument opposed the suspension of the rules. He hoped that the resolution would be voted down, and the Senate bill repealing the hasty, unwise and unconstitutional action of this body last session would be taken up and adopted.

After considerable debate the question recurred upon the motion to suspend the rules

The motion being adopted the resolution was taken up and made the special order for Monday evening next, at 8 o'clock.

On motion of Mr. Seymour, the rules were suspended and Senate bill No. 31, repealing the Penitentiary act, was taken up.

Mr. Seymour moved to make it the special order for Monday evening next at 8 o'clock.

Mr. Ellis moved to amend by saying half past 7 o'clock. Lost.

Price, colored, moved to amend by making it the special order for Tuesday evening next at 8 o'clock. Lost.

Mr. Seymour's motion was then put to a vote and carried.

SPECIAL ORDER.

The bill entitled an act amendatory of the act to incorporate the Western North Carolina Railroad Company, and acts amendatory thereof was taken up.

Mr. French offered a substitute for the bill. The clerk read the substitute at length and it was adopted. Upon the passage of the bill on its second reading the yeas and nays were called and resulted in a vote of yeas 67, nays 22.

The bill, together with the following amendment offered by Mr. Malone, was ordered to be printed:

Provided further, That no bonds shall be issued from this date except in the completion of the grading of twenty-five miles of said road; at the expiration of which time, and it being certified to the Treasurer under the oath of the President of said road, it should be the duty of the Public Treasurer to issue $10,000 in bonds per mile under the restrictions of the act and other general laws in the management of Railroad Companies. And it shall be the duty of the Treasurer to subscribe the stock from time to time as required in this act, at the rate of $10,000 per mile in the completion of the grading of each twenty-five miles of said road.

On motion of Mr. Laflin, Senate bill No. 47 to amend an act entitled an act to amend the charter of the Western Railroad Company ratified the 21st of August 1868, was taken up and passed its second reading by a vote of yeas 60, nays 33.

On motion, the bill together with an amendment offered by Mr. Barnett, was ordered to be printed.

On motion of Mr. Laflin, the bill to amend the charter of the Tarboro' and Williamston Railroad was taken up.

Mr. Laflin offered a substitute for the bill.

Mr. Malone moved to amend the substitute by striking out "Cove Creek" on the Atlantic and N. C. R. R. wherever it occurs and insert Wilmington, and in section 3, line 22, after the word "million" strike out "of" and insert "five hundred thousand; and in section 8, line 2, after the word "the," strike out "ten" and insert "fifteen hundred thousand dollars." In section 11, line 4, strike out "five" and insert "six," *Provided*, That the five hundred thousand additional appropriation by this act shall be expended from Wilmington to Cove Creek.

The amendments were adopted.

The bill then passed its second reading by a vote of yeas 61, nays 23, and was ordered to be printed as amended.

On motion of Mr. Laflin, Senate bill No. 78, to repeal an act entitled an act to amend an ordinance of the Convention, entitled "an ordinance to incorporate the Northwestern N. C. Railroad" was taken up.

The bill was read, when

Mr. Vest offered an amendment, which was accepted and incorporated into the bill.

The bill then passed its second reading as amended by a vote of yeas 61, nays 29.

The committee on Fraud and Corruption submitted a report, with the testimony taken, and as several persons have been summoned as witnesses and failed to appear, they ask to be discharged from the further consideration of the subject.

In regard to the case of Senator Robbins, a minority of the committee consisting of Messrs. Estes, Sweet, Gatling and Bowman, deemed it proper to say that they regarded the transaction between that Senator and Senator Stephens as an inadvertance on the part of Senator Robbins, and in their opinion acquit him (Robbins) of any intentional wrong.

On motion of Mr. Seymour, the report and the testimony were ordered to be printed and made the special order for next Tuesday at 10 o'clock.

On motion of Mr. Barnett, the bill concerning the Oxford branch of the Raleigh and Gaston Railroad was taken up and passed its second reading by a vote of yeas 57, nays 29.

The bill was ordered to be printed, together with various proposed amendments.

On motion of Mr. Laflin, Senate bill No. 73, incorporating the University Railroad Company was taken up and passed its second reading by a vote of yeas 53, nays 29.

The bill was ordered to be printed.

On motion of Mr. Laflin, the bill to amend the charter of the Atlantic, Ohio and Tennessee Railroad was taken up and passed its second reading by a vote of yeas 52, nays 25.

On motion, the bill was ordered to be printed.

On motion of Mr. Laflin, the bill to amend an act entitled an act to incorporate the Plaster Bank Railroad Company was taken up and passed its second reading by a vote of yeas 60, nays 14.

The bill was ordered to be printed.

[While the vote on the above bill was being taken, Mr. Ferebee arose and said, for the last half an hour the proceedings of the House had been nothing more than a burlesque upon legislation. They should have adjourned some time ago in respect to themselves.]

On motion of Mr. Seymour, the House then adjourned until Monday morning, 10 o'clock.

SENATE.

MONDAY MORNING, Jan. 25, 1869.

FROM THE CODE COMMISSION.

Bill to provide a trial jury for the second week of the Term of the Supreme Court. Referred to the Committee on the Judiciary.

Bill to add another section to be marked section 460 a, to chap. 7, title 19, of the Code of Civil Procedure. Referred to the Committee on the Judiciary.

A message was received from the House transmitting the following resolutions, to wit:

Resolution inviting immigration, adopted.

SPECIAL ORDER.

Bill concerning the settlement of the estate of deceased persons, the consideration of this bill was concluded and it passed its third reading.

THIRD READING OF BILLS.

Bill requiring contracts of the State to be advertised, passed.

Bill to enable the County Commissioners of New Hanover County to better carry out the provisions of section 13, article 7, of the Constitution of the State, passed.

FROM THE CODE COMMISSION.

Bill in relation to laying off Homestead and personal property exemptions, made the special order for Thursday next.

HOUSE OF REPRESENTATIVES.

MONDAY, Jan. 25, 1869.

RESOLUTIONS.

By Mr. French: A resolution in favor of W. S. Wiggins, R. Y. McAden and others. Referred.

On motion of Mr. French the rules were suspended, and the bill to amend the Charter of the Green Swamp Company was taken up.

The bill was read, and after undergoing some amendments, passed its several readings.

On motion of Mr. French, the rules were suspended, and the bill repealing the Usury law, was taken up and made the special order for Tuesday evening next at 8 o'clock.

On motion of Reynolds, colored, the rules were suspended and the resolution concerning public lands was taken up and adopted.

By consent Mr. Pou introduced a bill to allow probate of deeds, and other instruments in certain cases. Referred.

The hour for the special order was amended, to wit:

The bill to incorporate the North Carolina Dental Association: After a considerable debate the bill was, on motion of Mr. Ingram, indefinitely postponed.

A message was received from the Senate concurring in the following House bills and resolutions, to wit:

Resolution asking information from the Supreme Court.

Bill prohibiting hunting on the Sabbath.

Bill in favor of R. W. Hardie, late Sheriff of Cumberland county.

Another message was received from that body announcing the passage of the bill authorizing the consolidation of the Charlotte and South Carolina R. R. and the Columbia and Augusta R. R. Co.; also of the bill defining the duties and power of county Commissioners. The bills were placed upon the Calendar.

On motion of Mr. McMillan, the rules were suspended and the bill preventing the felling of timber in Rock Fish Creek was taken up and passed its several readings.

By consent Mr. McMillan introduced a bill incorporating Lodge of A. Y. M., Duplin county. Referred.

On motion of Mr. Sinclair, the rules were suspended, and the bill regulating the granting of divorces was taken up.

On motion, the bill was read section by section. After some discussion the bill passed its third reading.

On motion of Mr. Malone, the rules were suspended, and the bill making it a misdemeanor for county officers to speculate in county claims was taken up. After being variously amended, passed its several readings.

SPECIAL ORDER.

Senate bill No. 27 to consolidate the Atlantic and North Carolina R. R. and the North Carolina R. R. Co. The bill was read a third time, when

Mr. Downing offered the following amendment to the bill:

Provided, That the provisions of this act are not to be considered as directory to those who may represent the interest of the State of North Carolina in the meeting of the stockholders, provided for in this act, but such proxy or representative of the State's interest may vote on the question of consolidation as he or they may suppose the interest of the State of North Carolina may require.

Mr. Seymour objected to the amendment.

Messrs. Downing and Sinclair advocated its adoption.

Mr. Malone said:

I am compelled to oppose the amendment of the Representative of Union. He proposes that the State proxy shall control this whole question of consideration. The State owns, say five millions of dollars, in these two Roads; the stock is not very valuable now; the dividends of these Roads are not large; and if this House believes that it best subserves the interest of the State, it is bound by its duties, to vote for this bill. We are not here to legislate for a *few men*, or for any particular interested combination. But we should look carefully to the great aggregate interest of the people. Here we have five millions of dollars, belonging to the State.—Shall we not guard this very large interest? The bill proposes to allow the Stockholders to vote upon the question. Let us represent the State, and the Stockholders will protect their own interest. If the consolidation pays the State, is it not bound to pay the private Stockholders. I hope this bill will pass as it stands.

Mr. Downing took the floor in defence of his amendment. He argued upon the principle that consolidation would not result advantageously to the State.

Mr. Welch was in favor of consolidation. He wished the bill to pass in its original shape. He would vote against all amendments. He thought that if consolidation was carried through the State would receive an interest from one hundred and twenty to one hundred and fifty thousand dollars. He did not think the rights of private stockholders would be at all interfered with or jeopardized in the least, but, on the other hand, if the interest of the State was enhanced by consolidation that of the stockholders was of necessity bound to be advanced with it.

Mr. W. continued for some time in showing the advantages that would accrue to the State by the passage of this measure in the shape the friends of it desired.

Mr. Sinclair rose again to the floor in opposition to the measure.

Mr. Seymour asked him how he intended to vote on the measure, in selling the State interest in the different roads, when it should come up.

Mr. Sinclair replied that, if a proposition should come up to sell one or two roads he should vote for it if he thought the State would be benefited by it.

Mr. Sinclair resumed and, in his remarks, said the movement, in his opinion, would eventually culminate in a proposition to sell both roads, and he would certainly oppose the measure unless it could be plainly shown that it would be benefited by it.

The question recurring upon Mr. Downing's amendment, the yeas and nays were called, and resulted in the following ballot:

AYES—Messrs. Ashworth, Blair, Carson, Downing, Forkner, Gahagan, Gibson, Graham, Hodgin, Hoffman, Justus, of Henderson, Justice, of Rutherford, Kinney, Long, of Richmond, Mendenhall, Proctor, Ragland, Rea, Renfrow, Sinclair, Sykes, colored, Williamson, Wiswall—23.

NAYS.—Messrs. Ames, Armstrong, Banner, Barnett, Barnes, Bowman, Candler, Carey, colored, Clayton, of Transylvania, Davis, Davidson, Durham, Ellington, Estes, Farrow, Ferebee, Foster, Gilbert, Green, Hawkins, Hayes, colored, Hendricks, Hicks, High, Hinnant, Hodnett, Hudgings, Jarvis, Kelly, of Moore, Leary, colored, Malone, Matheson, Mayo, McCanless, McMillan, Morrill, Morris, colored, Nicholson, Parker, Pearson, Peck, Price, Proffitt, Robbins, colored, Reynolds, Seymour, Shaver, Siegrist, Simonds, Smith, of Alleghany, Snipes, Stanton, Stevens, Stilley, Sweat, colored, Thompson, Vestal, Vest, Waldrop, Welch, Whitley, Williams, of Harnett, and Wilson—65.

Mr. Downing moved to indefinitely postpone the whole bill. Lost.

Mr. Durham moved to strike out in section 2 line 2, all after the word "stock," down to the word "being" in line 6. Carried.

[This strikes out the amendment offered by himself when the bill was first discussed.]

Mr. Argo offered the following amendment: After the word "majority" in line 9 section 2 insert the words "of the private stockholders in addition to the State proxy."

Mr. Argo said he was a friend to the bill but did not wish to force consolidation.

Mr. Durham said that the amendment of the gentleman from Orange (Argo) was subject to exactly the same objections that the one which he had offered was, &c.

After some further debate Mr. Argo withdrew the amendment.

The question then recurring upon the bill on its final passage, the yeas and nays were called and resulted in the following ballot:

YEAS—Messrs Allison, Ames, Argo, Armstrong, Banner, Barnett, Barnes, Bowman, Candler, Carson, Carey, colored, Cawthorn, colored, Chery, colored, Clayton, of Transylvania, Davis, Davidson, Downing, Durham, Farrow, Foster, French, Gilbert, Green, Harris, of Wake, colored, Hawkins, Hendricks, Hicks High, Hodnett, Hudgings, Ingtam, Justice, of Henderson, Justice, of Rutherford, Kelly, of Davie, Kelly, of Moore, Leary, colored, Malone, Matheson, Mayo, colored, McCanless, McMillan, Morrill, Morris, colored, Nich leon, Parker, Peck, Price, colored, Proffit, Ragland, Robbins, colored, Reynolds, colored, Seymour, Shaver, Siegrist, Simonds, Smith, of Alleghany, Snipes, Stanton, Stevens, Stilley, Sweat, colored, Sykes, colored, Thompson, Vestal, Vest, Waldrop, Welch, Whitley, Williams, of Harnett, and Wilson.

NAYS—Messrs Ferebee, Forkner, colored, Franklin, Gahagan, Gibson, Hayes, colored, Hinnant, Hodgin, Jarvis, Kinney, Long, of Richmond, Mendenhall, Pou, Proctor, Williams, of Sampson, Williamson, colored, and Wiswall.

SUPREME COURT.—The following opinions have been delivered by the Judges of this tribunal:

PEARSON, C. J., in Buie *vs.* Parker—no error—judgment affirmed; also in Crawford *vs.* Woody, *venire de novo*.

READE, J., in Little *vs.* Stanback, no error. In Redmond *vs.* Burroughs, plaintiff entitled to an account and cause retained.

BODMAN, J., in State *vs.* Vinson, *venire de novo*. In Beckerdite's heirs *vs.* Patton, Woodfin & Co., order reversed. Appellants to recover no costs in this Court.

DICK, J., in Roberts *vs.* Oldham, order affirmed. In Whitaker *vs.* Bond, injunction dissolved and cause remanded.

SETTLE, J., in Kivett *vs.* Massey, no error. In Baker *vs.* Robinson, judgment affirmed.—Raleigh *Sentinel*, 27th.

MARRIED.

At the Parsonage of the "Church of the Strangers," in the city of New York, by Rev. Dr. Deems, on the 22d instant, Mr. WILLIAM H. TURLINGTON, of Wilmington, N. C., and Miss GRACE D. CREELMAN, of Halifax, Nova Scotia.

In Jersey City, on Wednesday, January 20th, by Rev. Mr. Hanlin, Mr. JOHN W. JOHNSON, of Wilmington, N. C., to Miss SARAH F. MARTIN, daughter of Mr. Robert B. Martin.

In Warsaw, N. C., on the 14th instant, by the Rev. W. M. Kennedy, Mr. JAS. M. HOLLINGSWORTH, to Miss MARY C. FREDERICK, daughter of John Frederick, Esq.

DIED.

After a protracted and most painful affliction in Yanceyville, Caswell county, N. C., on the 9th of December last, Mrs MARY WITHERS, the beloved consort of Col. E. B. Withers, and daughter of Mr. and Mrs. Daniel S. and Eliza Price.

NOTICE.

I OFFER FOR SALE ON REASONABLE terms, one 14 Bbl. TURPENTINE STILL, with *all necessary Fixtures*. Also, an A 1 FLAT, nearly new.

Apply to me at Robeson P. O., Brunswick Co., or in person at Brinkley Depot, W. & M. R. R.

D. S. COWAN.

jan 8 85-3t -49-3t*

TURPENTINE AND TAR.

THE SUBSCRIBER WILL PURCHASE ANY quantity of TURPENTINE and TAR that may offer, and pay the highest market price for same.

Makers can send to him direct, or sell in person, always receiving the *very highest prices*, and saving all charges for brokerage or commissions.

A. H. VANBOKKELEN.

jan 6 83-1w—48-1m*

ROSADALIS

Purifies the Blood.

For Sale by Druggists Everywhere.

july 21 251-1y-24-

LATEST NEWS BY TELEGRAPH.

Death of ex-Governor Pickens.

AUGUSTA, GA., Jan. 27—Noon.

Ex-Governor Pickens, formerly Minister to St. Petersburg, died at his residence in Edgefield, S. C., on Monday last.

From Washington—Proceedings of Congress, &c., &c.

WASHINGTON, D. C., Jan. 27—P. M.

SENATE.—Messrs. Chandler, Sumner, Howe, Pomeroy and Edmunds all presented memorials in favor of women's suffrage.

Mr. Henderson introduced a bill providing for half a dozen Indian tribes becoming citizens of the U. S.

The Senate then adjourned.

HOUSE.—In the contest for precedence of business, the Speaker said that the matters pressing for action were as follows: To provide for the resumption of specie payments; the Constitutional amendments and regarding suffrage; the Georgia election case; business from the Reconstruction Committee and the tariff.

The suffrage bill was resumed and several substitutes offered.

Mr. Bingham's substitute makes all voters except such as may hereafter engage in rebellion.

Mr. Shellabarker's substitute allows the disfranchisement of those who may heretofore have engaged in rebellion.

No action was taken and the Senate went into committee of the whole and adjourned.

New York Market.

NEW YORK, Jan. 28—Noon.

Stocks steady. Money easy at 7 ₱ cent. premium. Sterling Exchange 109¼. Gold 136¼.—Five-twenties, of '62, 113⅜. North Carolina Sixes 63.; new 62. Tennessee Sixes, ex-coupons, 67¾; new 67.

Flour dull and declining. Wheat dull and favors buyers. Corn unchanged. Mess Pork lower—new $30 75@$31. Lard dull—steam, in barrels, 20½@20¾ cents. Cotton firmer at 28⅛@29 cents. Spirits Turpentine quiet at 56 cents ₱ gallon. Rosin quiet at $2 65@$2 70. Freights quiet.

WHITEVILLE, N. C., JANUARY 26th 1869.

I HEREBY ANNOUNCE MYSELF AS A **REPUBLICAN CANDIDATE** for Senator from the Fourteenth Senatorial District, composed of the Counties of Bladen and Columbus, to fill the vacancy occasioned by the removal of J. W. Purdie, banned by the Fourteenth Article of the Federal Constitution.

Election to be held by Proclamation of the Governor on the eighteenth day of February, A. D. 1869. A. J. JONES.

jan 27 101-18t*-3tw

500 TONS NO. 1 PERUVIAN GUANO for sale, to arrive, at the Guano depot. 50 ton lots furnished at Peruvian government Agent's price—$60 in gold and expenses added.

W. H. McRARY & CO., Guano Dealers.

jan 26 100-6td-4tw

250 TONS SOLUBLE PACIFIC GUANO for sale at the Guano depot.

Price reduced to $65 per ton. A liberal discount will be made on lots of twenty tons and upwards by the undersigned, Agents for North Carolina. W. H. McRARY & CO.

None genuine without the brand of Jno. S. Reese & Co., General Agents, Baltimore, Md.

jan 26 100-6td-4tw

[From the Southern Cultivator.]

CHARLES A. PEABODY ON COMMERCIAL MANURES.

HIS METHOD OF APPLICATION AND RESULTS.

Editors Southern Cultivator:—As I am constantly receiving letters from all parts of the cotton-growing States, asking my views of Guano—what kinds I prefer—how I use it, and what quantities?—I will make the *Cultivator* the medium of my answers to all. Some twenty-five years ago I began to experiment with Guano. First, I tried Peruvian. This gave good satisfaction, but was, I then thought, rather expensive. I have since tried all of the other varieties of note. Some were good—others worthless. I had come to the conclusion that the Peruvian, however costly, was the cheapest in the end, as a hard-working industrious man could manipulate it with any other substance he thought proper. I have found salt, plaster, flower of bones, swamp muck, &c., valuable to manipulate with Peruvian Guano, but the labor of manipulation is great, and in the process of manipulation much of the ammonia escapes. From this fact I have been led to inquire whether there was not an excess of ammonia in Peruvian Guano, and whether it would not be more advantageous to pay for the Phosphates than to pay so much extra for the volatile ammonia. Whilst full of this idea I struck the Soluble Pacific Guano, and was so well pleased with it that last year I manured one-half of my cotton with it, and the other half with the genuine Peruvian. The same quantity of each was used per acre. The land was of the same quality, the planting and culture was in all respects the same, and when the crop was gathered it was impossible to tell which was the best. Now the Soluble Pacific Guano cost me $20 less per ton, and as a consequence, I have this year used the Soluble Pacific Guano alone. It cost me, at the Agent's Depot in Columbus, $75 per ton.

It may be well here to state the character of my land. I do not live on exactly what would be called *pine barrens*, but it is next to it. The older portion of my land will not, with ordinary culture, bring three hundred pounds of seed cotton to the acre. A field of ten acres, which I wished to experiment on with the Dickson Cotton, hybridizing it with my *Upland Long Staple*, I plowed and sub-soiled in March, leaving the surface perfectly level; the 20th of April, I laid it off in lands about twenty five feet wide, and sowed Soluble Pacific Guano broadcast, at the rate of two hundred pounds to the acre. This I turned under with a turn shovel plow, then opened furrows three feet apart, with a long point shooter, following in the same furrow with a shovel plow; in this furrow I put two hundred pounds more of the Guano to the acre. Then I threw the furrows together into the centre, with a turn-shovel, which left but a slight ridge, and on this ridge planted the seed. The Dickson variety bears much thicker planting than other kinds. The growth and fruiting of the crop was superb—nothing equal to it had ever been seen in this section of the country, and if the worms had not swept all the top and end bolls, it would have made two good bales to the acre. As bad as it has turned out, it has made a bale to the acre.—To a half acre near my dwelling, that I had cowpenned last winter, I applied two hundred pounds of the Soluble Pacific Guano in the drill, and, notwithstanding excessive wet weather in August, and the worms, which took all the late crop, I have picked over two thousand pounds of seed cotton from the half acre. There are those in my neighborhood, who plant land as good as mine, but without Guano, that will scarcely realize a bale from ten acres this year.

And now a word to the purchaser. If you would get the Soluble Pacific Guano genuine, purchase it only of the authorized agents of the Company. I have tried the Peruvian and Pacific on my garden crops, but with no good results. Peruvian Guano seems to be emphatically the food for the cotton *fruit*—other fertilizers may make more weed; but in the purchase of Peruvian Guano, we are paying for a volatile ammonia, much of which is bound to escape without benefit to crops. Will it not be to the planter's interest to take that Guano which is richer in phosphates, and yet an abundance of ammonia for all practical purposes? The Soluble Pacific Guano I have found from sound practical tests, to be equal to the Peruvian and much cheaper. I hold that no man can afford to plant cotton without Guano.

CHAS. A. PEABODY.

Lee Co., Ala., near Columbus, Ga., Nov. 14, 1868.

The genuine article is branded—

JOHN S. REESE & CO.,

General Agents for Pacific Guano Co.,

BALTIMORE.

W. H. McRARY & CO. are the Agents at Wilmington, for North Carolina.

jan 26 100-6td-4tw

HIGH SCHOOL FOR BOYS AND YOUNG MEN,

IN THE MASONIC HALL AT FLORAL COLLEGE, N. C.

Rev. JOHN H. COBLE,.....Principal,

COMMENCES JANUARY 20TH. 1869.

TERMS:

One-half in advance; the other at close of session.
Tuition, per session of five months.....$20 00
Board, per month..... 12 00

☞ Send for Circulars.

☞ Address the Principal, at Shoe Heel, N. C. "Marion (S. C.) Crescent" copy two weeks and send bill to J. H. C., Shoe Heel.

jan 5 82-2wd&w*

Wilmington Wholesale Prices Current.

BEESWAX, ₱ lb	26 @	37	
BRICKS,			
₱ M.....	10 00 @	15 00	
BAGRELS, Spts T., each,			
2nd hand	1 75 @	2 00	
New.....	0 00 @	3 00	
CANDLES, ₱ lb.,			
Tallow.....	18 @	20	
Adamantine	21 @	23	
Sperm.....	50 @	55	
COFFEE, ₱ lb.,			
Java.....	37 @	40	
Laguayra	26 @	28	
Rio.....	19 @	24	
St. Domingo	25 @	28	
COTTON, ₱ lb.,			
Ord. to Mid'g	26 @	27½	
Strict Mid'g	00 @	27¾	
COTTON BAGGING,			
Gunny, ₱ yd	23 @	25	
Dundee.....	26 @	28	
Rope, ₱ lb....	7 @	10	
CORN MEAL,			
₱ bushel	1 15 @	1 25	
DOMESTICS,			
Sheeting,			
₱ yard..	12 @	16	
Yarn, ₱5 lb	2 00 @	2 05	
FEATHERS,			
₱ lb.....	65 @	75	
FISH, ₱ bbl.,			
Mackerel,			
No. 1...	22 00 @	25 00	
No. 2...	18 00 @	20 00	
No. 3...	14 00 @	16 00	
Mullets	7 50 @	10 00	
Herring,			
Cast.....	0 00 @	0 00	
N.C.roe	0 00 @	0 00	
do cut,	8 50 @	9 00	
do gross,	0 00 @	7 00	
Dry Cod, ₱ lb	9 @	10	
FLOUR, ₱ bbl., Northern			
Family...	9 50 @	15 50	
Superfine	7 00 @	8 00	
Fine.....	6 00 @	6 50	
NORTH CAROLINA,			
Family...	11 50 @	12 00	
Superfine	11 00 @	11 25	
GLUE, ₱ lb..	20 @	24	
GUANO, Peruvian,			
Per ton.	90 00 @	95 00	
GRAIN, ₱ bushel,			
Corn.....	1 00 @	1 15	
Oats.....	75 @	90	
Peas, Cow.	0 95 @	1 00	
Rice, rough	1 25 @	1 50	
Carolina,.....	9 @	9½	
HIDES, ₱ lb.,			
Green.....	9 @	9½	
Dry.....	12½@	15	
HAY, ₱ 100 lbs.,			
Eastern...	1 35 @	1 50	
Northern..	90 @	1 00	
IRON, ₱ lb.,			
English, ass'd	8 @	10	
American, ref.	0 @	10	
American,			
sheer..	9 @	10	
Swede.....	10 @	12	
Hoop,			
₱ ton.	140 00@	145 00	
LIQUORS, ₱ gal., (dom.)			
Whiskey,..	1 50 @	2 25	
Bourbon..	2 00 @	4 00	
N. E. Rum	2 00 @	3 00	
Gin.....	4 00 @	7 00	
Brandy....	4 00 @	9 00	
do Apple	2 75 @	3 00	
do Peach	3 00 @	3 50	
LUMBER, (River,			
Fl'r Bds..	15 00 @	17 00	
Wide do	12 00 @	14 00	
Scantling	10 00 @	12 00	
LIME, ₱ bbl.	0 00 @	0 00	
From stor.	0 00 @	2 75	
MOLASSES, ₱ gallon,			
Cuba, bbls.	45 @	47½	
do bbls.	50 @	52½	
Sugar house.	0 @	37½	
do bbls.	38 @	40	
Syrup, bbls.	00 @	1 00	
NAVAL STORES,			
Turpentine ₱ 280 lbs.			
Virgin.....	0 00 @	3 50	
Yellow dip.	0 00 @	3 50	
Hard.....	0 00 @	2 80	
Tar, ₱ bbl.	0 00 @	2 85	
Tar, in ord.	0 00 @	3 00	
Pitch, City	3 00 @	3 25	
Rosin, pale	4 50 @	6 00	
do No. 1	2 50 @	4 50	
do No. 2	2 00 @	2 10	
do No. 3.	0 00 @	2 00	
Spirits Turpentine,			
₱ gal.....	52 @	53	
NAILS, ₱ lb.,			
Cut.....	5 75 @	6 00	
OILS, ₱ gallon,			
Sperm.....	0 00 @	3 00	
Linseed...	1 40 @	1 50	
Machinery.	1 75 @	2 00	
Kerosene....	38 @	40	
PEA NUTS,	1 40 @	1 65	
POTATOES,			
Sweet, bush	0 80 @

THE WILMINGTON JOURNAL

WILMINGTON, N. C.,

SATURDAY, JANUARY 23, 1869.

The Penitentiary Swindle.

The facts in this thievish transaction are gradually becoming public. The more the particulars are known the more the corrupt nature of the whole transaction is shown. We do not think that any one who has had official connection with this dirty transaction, from the Governor, who signed the bonds, to Col. Heck and Mr. Pruyn, who received them, can wash their hands of the pollution. A more shamefaced, disreputable swindle was never perpetrated.

A Committee of the State Senate, comprised of Senators LOVE, Democrat, and WELKER and BURNS, Radicals, appointed to investigate this transaction, have visited the proposed site for the Penitentiary and the adjacent part of eight thousand acres, and their report has been submitted to the Senate. It appears from this report that the Legislative committee to locate a Penitentiary, purchased a site in the vicinity of Lockwood, on Deep River, of twenty-five acres. They also purchased *two* other tracts of land, one containing nearly seven thousand acres, and the other one about a thousand acres, *separated several miles from each other*, and the nearest point of either is distant at least *ten miles* from "the site." There is nothing to recommend "the site" except its fine water-power. There are neither building materials nor ores found upon any part of the purchase except an iron mine, not open to any extent, and its value entirely unknown. A famous mineral spring was found upon the purchase, where convalescent convicts might pleasantly spend the "heated term" should the State make suitable preparations for their comfortable entertainment. The Committee could discover no evidence of a quarry of granite or material of any sort suitable to erect the necessary buildings.

Of the eight thousand acres, six thousand six hundred and fifty are what may be styled *pine barren*. This land has no marketable value. The timber upon this tract is almost all worn out turpentine timber. The ton timber has all been exhausted. It is so remote from market, being from three to ten miles from the river, that it will not pay to convert it into lumber. "It would probably not sell for ten cents per acre" (we quote from the report), "and so worthless was it in the judgment of its former owner that he was about to parcel out in small tracts and convey it as a gift to freedmen so as to get rid of paying the very small tax there was on it, when it was sold to J. M. Heck, Esq., by being attached to other tracts for sixty cents per acre. No one of the committee who made the purchase for the State were ever on this tract of six thousand six hundred and fifty acres of land for which they paid $83,125."

Another thousand of this eight thousand acres, *separated several miles* from the tract just mentioned, has on it a mill seat on a small stream, with water sufficient to run a grist mill *part of the year*. A small part of this tract has *some* value as farming land. This land was sold a few days before the sale to the State for $3,000. The State paid $12,500 for it. The remaining three hundred and sixty acres alone, of all the eight thousand, reaches to the river, and this only to the extent of one hundred and fifty yards.

There are valuable mines and quarries *above* and *below* these purchases, but to convey them to the proposed site, the dams and locks on the river will have to be repaired by the State or wait their repair by the Deep River Manufacturing Company. It will cost the State many thousands of dollars to get *up* to the coal and sand stone, and *down* to the iron ore and granite.

Now, to show collusion between the parties, in which the immaculate Superintendent of Public Works cuts a conspicuous figure. Dr. McKay sold to Col. Heck, according to Col. H.'s own confession, for the Deep River Mining Company, 7,650 acres of land for $6,690. This land is sold by Heck to one E. J. Pruyn for $56,000, and Pruyn sells to Superintendent of Public Works Harris, and the Legislative Committee, for $100,000. *No deeds passed until all the trades had been consummated.* Pruyn, on the 9th of November, takes a bond from Heck to make title. About the 27th of November Heck gets a deed from Dr. McKay, who was glad enough to sell his worthless land at 65 cents an acre. On the 3d of October Pruyn sells to Harris and the Committee, for the State, at $100,000—$12 50 per acre. On the 10th of November, *Harris gives Pruyn an order on the Treasurer for* $44,000 *and Heck an order for* $56,000.

It seems that Dr. LOVE, of the Committee, proposed to Pruyn and Heck that if they would cancel the trade, the Committee would not even go to look at the purchase. This was repeatedly refused. As late as the 14th of January the proposition to rescind the land trade was declined.

It is rumored that there has been much false swearing before this committee, and that resolutions would soon be offered in the Legislature expressing a want of confidence in the Superintendent of Public Works, and asking him to resign. Much excitement seems to exist in Raleigh in regard to the disclosures of the report. On the morning after the report was read, Dr. LOVE and Mr. WELKER, of the comtee, were found in ugly caricature on one of the mantles of the Senate Chamber.

Such is a brief history of this disgraceful affair. The facts show how much collusion there has been among all the parties to this transaction. The State has been plundered by its own officials. Says the committee in closing their report:

"We will now permit the Senate to draw their own conclusions. There has been an effort on the part of the committee to get the exact truth and so state it. That the State is deeply wronged we are satisfied. That the committee on the Penitentiary were imposed upon by parties who cared only to make a good thing out of the State, is equally true. We may be suffered to recommend to the Senate so soon as possible to dispose of the 8,000 acres of land, determine permanently the site of the Penitentiary, simplify the agency by which to carry out the requirements of the Constitution and the hopes of the people. Ask the co-operation of the House to this purpose, and in the beneficent and economical results of this great institution, the people soon will forget the trials and wrongs that beset its inception."

THE regular monthly meeting of the New Hanover County Medical Society was held in the City Court room, January 20th, 8 P. M. The Society was called to order, and the minutes of the last meeting were read and approved. Several committees on important subjects were appointed to report at the next meeting. Dr C. S. Kerr was allowed till next meeting to prepare his essay.

The Chairman of the Medical Fee committee reported satisfactorily.

A resolution was offered relative to certain restrictions upon the members of this Society, debarring them from applying for certain public medical offices—said restrictions to be removed and authority given to contract for such offices, such contracts not to be considered in violation of the established fee bill.

The hour being late the Society adjourned to meet the third Wednesday night in February.

W. J. H. BELLAMY, M. D.,
Secretary.

Sorghum Sugar.

We have received from our friend, Col. WILLIAM F. BEASLEY, formerly of this State, but now living in Louisville, Ky., a sample of Sugar manufactured from the Sorghum cane. Colonel BEASLEY desires to sell the patent right for making this Sugar in North Carolina. We are satisfied from the sample of Sugar before us, that North Carolina can manufacture her own Sugar, of a superior quality, and at rates which will defy competition.

Col. B. promises to be present at our Agricultural Convention on the 29th inst., when our planters can have an opportunity of examining his samples, and receive such other information as may be interesting and valuable in regard to its manufacture.

We have placed the sample of Sugar at Mr. Lippitt's Drug Store for exhibition.

General Wickham.

NEW YORK, Jan. 16, 1869.

Messrs. Editors Wilmington Journal:

DEAR SIRS:—The Journal of the 15th quotes from the N. Y. Herald an article headed "Conversation between Gen. Grant and Gen. Wickham," without comment.

Who is this "Gen. Wickham having commanded an important division in Lee's army?" has been frequently asked by several who also served and fought under General Lee, but as yet no satisfactory answer given. I confess my ignorance, and knowing that your Major E. is well posted, ask for information, who is General Wickham?

Your reply will oblige
Yours truly,

ARGUS.

Brigadier General Wickham was a Confederate officer, commanding with ability and gallantry a brigade of Virginia cavalry. He was elected to the Confederate Congress from the Richmond district, but its duties conflicting with those of the service, he resigned his seat as soon as active operations began in the Spring, and served with credit until the surrender.

General WICKHAM, soon after the surrender, became convinced of the "errors" of his course, and uniting with the Radical party, has made war upon his fellow-citizens with as much energy and feeling as he had espoused their cause during the war. Like most Southern Radicals, he has made a "good thing" of his conversion.—He is now the President of the Virginia Central Railroad, defeating the old and efficient President, Col. Fontaine, by the votes of the State and Radical towns and counties, receiving little or no support from individuals.

North Carolina Railroad and its Management.

The writer in the *Standard* over the signature of "W. A. Smith, President N. C. R. R. Co.," intimates that the JOURNAL'S opposition to the present management of the North Carolina Railroad was founded upon party prejudices. To show that *personal* feelings had nothing to do with our opinions, we quoted from the Goldsboro' *Messenger*, and a correspondent of the Raleigh *Sentinel*. We propose now to combat the assertion that our opposition was the result of political bias by quoting from two orthodox Radicals sustaining us. We call these extracts to the attention of Presidents Smith and HAWKINS and the facetious writer in the *Standard*.

During the debate in the House on Wednesday upon the bill to consolidate the North Carolina Railroad and the Atlantic and North Carolina Railroad, which passed its second reading, Mr. Seymour, Radical, of Craven, said:

"The North Carolina Railroad discriminates, as I will prove, against State roads and for one in which the State has no interest.

"From Selma to Raleigh is a distance of about 28 miles over the North Carolina Railroad. From Raleigh to Weldon the distance is 97 miles—in all 125 miles. From Selma to Goldsboro' the distance is about 20 miles. From Goldsboro to Weldon not 80 miles—in all 100. The management of the North Carolina Railroad sends its freight from Selma via Raleigh, a distance greater by 25 miles, so as to send it by the Raleigh and Gaston Road, a company in which the State has no interest, instead of sending it by the Wilmington and Weldon Road, in which the State is a large stockholder. There can be no chance for mistake here.—Gentlemen may say it is done because it is cheaper, but it can only be cheaper by discrimination exercised against the State road. It is no wonder that when the State so mismanages her property, bills should be proposed to sell that property. If a private individual should do so, it would be good ground for a commission of lunacy."

Mr. Estes, Radical, from New Hanover and Edgecombe, said:

"He believed the North Carolina road was run in opposition to the interests of the counties east of Raleigh. He asked gentlemen from the eastern section who go by way of Rocky Mount if they have not to lay off four hours there; because the North Carolina road runs from Raleigh to Goldsboro' in four and a half hours when they used to run in three and a quarter hours. The North Carolina railroad and the Raleigh and Gaston road have five more hours time to kill, and yet the officers see proper to run their trains an hour and a quarter longer between Raleigh and Goldsboro' to avoid the Wilmington and Weldon train running north.

Despotism of Reconstruction.

We continue to-day the extracts from the letter of Governor WORTH to President JOHNSON. The extract below refers to the establishment of a Court, for certain counties, by General SICKLES, with large powers. The facts of this remarkable case fully appear in the letter, but the outrage is sunk deep in the memories of a powerless people, who were compelled to submit to this mockery of law:

RALEIGH, N. C., Dec. 31, 1868.

* * * * * * *

By Special Order No. 55, dated May 27, 1867, General Sickles established a Provost Court for five counties, to wit: Cumberland, Harnett, Moore, Montgomery and Richmond, to be presided over by W. H. Porter, Chief Justice, and John D. Minor and M. A. Baker, all of them as I believe, respectable mechanics of Fayetteville, no one of whom ever having studied or practiced law. This edict provides that the jurisdiction of this Court shall extend to any case, civil or criminal except murder, manslaughter, rape and arson. The Post Commander upon application of any one sued or prosecuted in any of the five counties, may order the transfer of the case to the Provost Court, which sits only in Fayetteville. Where the fine imposed shall exceed one hundred dollars, or the sentence shall affect the liberty of any person, sentence not to be executed until approved by the Commanding General. The proceedings of the Court in all cases to be forwarded to the Post Commander for review and approval. Appeals to headquarters from the action of Post Commander not to be considered unless accompanied by *printed* papers *and* arguments of the parties or of their counsel.

The 4th section of this edict provides that each Judge shall receive four dollars per day, and their Clerk three dollars per day, *and the expenses of the Court must be borne out of the fund accruing from fines and costs paid by the parties.*"

The Court was organized immediately, and continues to sit transacting much business. No respectable citizen of the state, or officer of the United States, who has been stationed among us, will pretend that justice is not fairly, intelligently and impartially, administered in our Superior Courts of law. Gen. Canby's reflections against our Courts in his letter to Gen. Grant, is not an exception to this remark. He has not spent a day in the State. No just reason has existed for any interference, (not in a single instance which has come to my knowledge,) with the regular administration of justice by the State Courts. I appealed to Gen. Canby to revoke this absurd and outrageous order. He has not revoked it, nor any other important article in the extensive code promulgated for us by Gen. Sickles, but has made many addunda thereto—unless it be in the matter for which Gen. Sickles was removed, which power, arrogant and unlawful, looked to the relief of his subjects.

The Court is dependent for its pay on the fines it imposes and costs accruing therein. Who established its fee bill, or what provision is made for costs which may have accrued in the Courts from which suits may have been transferred, I do not know. As the rights of the citizens are not protected by the intervention of a Jury, and the appeal to Headquarters at Charleston is rendered impracticable to our impoverished people at so great a distance from the appelative tribunal, and only to be heard after incurring the expenses of *printing the proceedings and arguments of the counsel or the parties*, all have to abide the decision of this extradordinary tribunal. If this Court had existed before Cervantes' day his account of the Judicial career of Sancho Panza would have received some laughable embellishments.

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JONATHAN WORTH.

Important to Duplin Land-Owners.

We are authorized to state that a capitalist in Washington City desires to purchase *fifty thousand* acres of "pine land," from which the turpentine has been exhausted," in Duplin county, on or near the line of the Wilmington and Weldon Railroad. His object is to colonize and establish vineyards, trucking and fruit farms, &c., &c. The Duplin side of the Railroad is preferred because it is higher and warmer, and larger bodies of land can be obtained. It is not necessary that all the land should be one body, but that the different tracts should be separated only a few miles. Parties having such lands in Duplin county, which they desire to sell, will please correspond either with the Hon. O. H. DOCKERY, at Washington City, or Col. WILLIAM A. ALLEN, at Kenansville, stating location, quality of land and price, and also quantity of land proposed to be sold in each tract.

North Carolina Railroad and its Management.

We are glad to be able to quote from the highest Radical authority, *colored*, against the present management of the North Carolina Railroad as follows, which we find in the Raleigh *Sentinel*:

"In a conversation reported as having taken place between the Hon. A. H. Galloway, Presidential Elector, and Senator from the Wilmington district, and Mr. French and Mr. Laflin, of the House, yesterday, on the subject of the location of the penitentiary, the Hon. Elector and Senator was understood to say that he preferred Greensboro' as the location, for the logical reason that, if he, the Hon. Mr. Galloway, should unfortunately commit an offence subjecting him to a place in the penitentiary, his time would expire before reaching Greensboro' *via* N. C. Railroad on existing schedule."

Despotism of Reconstruction.

The following extract from Governor WORTH'S letter to President JOHNSON has reference to the celebrated TOLAR, POWERS and WATKINS case, with which our readers are so painfully familiar.

The more we read of this grand letter the more we are inclined to thank its author in the name of the people of North Carolina for his manly protest against the petty and criminal despotism of our late military rulers and for his noble vindication of our down-trodden people.

RALEIGH, Dec. 31, 1867.

* * * * * *

TOLAR, POWERS AND WATKINS CASE.

In February or March last, a poor young woman of good family and exemplary character, residing some two miles from Fayetteville, on her way home from church, on Sunday, was way-laid by a negro named Bebee. He seized her and bore her into the woods, violently choking her to suppress her cries, but her screames reached the ears of an old negress in time to prevent the monster from perpetrating the crime he meditated. On the approach of the old negress he ran off. The next day he was arrested and taken before Duncan G. McRae, Esq., for preliminary trial. The trial was held in the upper story of the Market House, in Fayetteville.

An uncle of the accused was allowed to employ a lawyer, who appeared in defence of the accused. The young woman and old negress identified the villain, and the bruised neck of the young lady bore the imprint of his infernal clutches. No doubt was felt then, or has been expressed since, by black or white, as to his guilt.

The shocking character of the offence drew together about the Market House a large crowd, most of whom were excluded from the Hall where the trial was going on. The Sheriff was on the ground with the whole police force of the town, armed with their clubs, to guard the negro from the apprehended vengeance of the crowd. He was committed for trial and placed in the custody of the Sheriff, to be carried to the jail. He was carried down the stairs, an officer of the police at either arm, and the Sheriff at his back. On landing below he made a violent attempt to escape, but was held firmly by his custodians. In the struggle he fell. As he rose, some one behind fired a pistol shot, the ball passing through the hair of the Sheriff's head. It took effect in the head of Bebee, who instantly expired.

A Coroner's inquest was held and many witnesses were examined. One or more of them swore that Captain Tolar shot him. Capt. Tolar, as I learn, was a quiet, good citizen, a member of a religious society and of the Masonic order, and held in high esteem by all his acquaintances. Other witnesses, deemed more worthy of credit, swore that they were near Capt. Tolar when the pistol fired, and that they knew he did *not* fire it. One Phillips, and perhaps others, displayed weapons on the occasion. The jury reported that they could not satisfactorily ascertain who committed the homicide.

The first Court having cognizance of the alleged crime commenced its sitting on the 13th of May, 1867. A few days *before* the sitting of this Court, *General Avery* applied to Gen. Sickles for the arrest and trial before a Military Court of Capt. Tolar, Powers and Watkins, and Duncan G. McRae, Gen. Sickles ordered the arrest. Before the prisoners were carried off by the military, the Grand Jury of the county upon a bill preferred by the Solicitor against Tolar for murder, found it a true bill, and a *capias* issued accordingly, which the Sheriff could not execute, because the military *refused* to surrender him. No bill was sent against the others, because the attention of the Solicitor was not called to any witnesses, who would swear to facts warranting the sending of a bill. These arrests, therefore, could not be based on any pretext that the *Court was in any way in fault.*

Duncan G. McRae had long been a leading Justice of the Peace of his county, was a member of the State Convention in 1865, and was widely known as a man of exemplary character and strong Union proclivities. On his way to Fort Macon, the military prison designated for his confinement, distant some two hundred miles from his home and family, he got a friend to send a telegram to Gen. Sickles, inquiring for what cause, and by whose order, he had been arrested, and whether he could be allowed to give bail. He declined to accept bail, and referred to Gen. Miles, Chief of the Freedman's Bureau, stationed here, as to the charge, &c. Upon application by *me* to Gen. Miles he said the arrest had been made by order of Gen. Sickles, upon the application of *Gen. Avery*, and that he had not power to release McRae upon bail, or on his parole; that Gen. Sickles alone had this power; that Gen. Avery was not then in his office; that, as soon as he came in, he would ask him to call at my office and explain. The conduct of Gen. Miles was entirely satisfactory to me. Gen. Avery called on me soon after, and stated that the charge against the prisoners would be specifically made out and sent to Headquarters soon; that he then could only state to me, in general terms, that the charge was the murder of Bebee, and that McRae was an accessory before the fact. I learned from him, or had otherwise heard (I cannot be certain which), that the foundation of the arrest of McRae was the affidavit of a weak minded, base woman, procured by *Gen. Avery*, in which she proved that, immediately after the committing of Bebee, he had gone out on a platform, to a window, and called on the crowd to shoot the prisoner, and that, immediately thereafter, the negro was shot.

The friends of McRae furnished me soon after with the affidavits of the uncle of Beebe, who had procured for him the services of a lawyer who had appeared for him on the trial, of the lawyer himself, and of several other witnesses, white and black, who swore positively that they were present and knew that McRae had not risen from his seat from the time of ordering the committal until after the fatal shot was fired, and that when he heard the negro was killed, he expressed his regret.

These affidavits I sent to Gen. Sickles and asked him if he could not take bail to discharge McRae on his parole. I further asked that all the prisoners be turned over to the civil authorities for trial. I had heard the Court Martial for the trial of these prisoners was to sit here. Fayetteville is 60 miles distant from this City and no communication between the two places by Railroad or steam, except by way of Wilmington and Goldsboro, a circuitous route more than 200 miles long. I asked, therefore, if he could not turn over the prisoners to the civil Courts, as it was probable that a vast number of witnesses would be examined, that the Court Martial should be held in Fayetteville or in Wilmington, rather than here. It was known that the defendants could not pay their witnesses, many of whom would probably be unable to pay for their transportation and their expenses while here. He replied that the prisoners would be tried before a Court Martial in Raleigh, but that the Judge Advocate would be directed to summon the witnesses for the defence and to give them transportation to and from Raleigh.

The arrest was made on the 15th of May. All of them were confined at Fort Macon till the 20th of July; brought on that day to Raleigh to be tried before a Court Martial, of which *General Avery was Judge Advocate.* The Judge Advocate had not made out and filed his charges and specifications, and, not being ready for trial, the Court adjourned from day to day, at his instance, until the 22d of July, when the trial commenced.

On the 29th of July the Judge Advocate introduced the aforesaid woman, the only witness against McRae. Nobody, white or black, could be found to say she was worthy to be believed. Her conduct on the witness stand exhibited such manifest willingness to perjure herself that General Avery relented and asked to withdraw her testimony and to enter a *nol pros* as to McRae, which was unanimously granted by the Court, and he was discharged after more than ten weeks imprisonment. It is proper to add that I am informed by McRae that General Avery, in the month of April previous to the arrest, had abused McRae for an official act of the latter and, finding McRae would not yield to his dictation, told McRae he should *suffer for it!*

The trial of the other defendants terminated about the middle of Semptember in a conviction of murder, after a sitting of more than two months, at an enormous and unnecessary expense to the government and the prisoners. It would be interesting to know the cost of these trials. The Court Martial adjudged that the prisoners should be hanged. This sentence, under the act of Congress could not be executed without approval. It did not go before you, I presume, because Gen. Canby commuted it to fifteen years imprisonment at hard labor.

Whether this finding was just or unjust does not fall within the scope of this communication, and I have not examined the annexed evidence save as I read it, as reported for the newspapers as the trial progressed. I understand it to have been founded on the evidence of one Phillips, whom the military at one time held under arrest as one of the murderers, who procured his own release by turning State's evidence, and upon the evidence of other witnesses who swore they saw Tolar shoot the negro, while other witnesses swore they saw *Phillips* shoot the negro.

The guilt or innocence of Tolar turned entirely upon the credibility of the witnesses, which could have been best judged of by an impartial jury of the country.

If there was any evidence warranting the conviction of the other defendants it escaped me.

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JONATHAN WORTH.

Missouri—Legislative—Instructions to Senators to Vote for Repeal of the Tenure of Office Act—Constitutional Amendment Proposed.

ST. LOUIS, Jan. 19, 1869.

In the Legislature yesterday, two concurrent resolutions were introduced instructing our Senators and requesting our Representatives in Congress to vote for the repeal of the Tenure of Office act; also a concurrent resolution instructing Senators and requesting Representatives to vote for an amendment to the constitution by which naturalized citizens can become eligible to the office of President.

Two cattle diseases are epidemic in Luxemburg and are proving very fatal.

STATE NEWS.

LOYALIZED.—Jasper Etheridge, of Onslow, was the only North Carolinian whose loyalty was sufficient to recommend him to the consideration of the House of Representatives to have his disabilities removed, in the large batch of names which has recently passed that House.

Rev. John S. Long will commence the publication of a weekly paper in Washington, N. C., in a few days.

IMMIGRATION.—Another letter just received from Mr. W. F. Atkinson, announces that he has arrived at Horgen, Switzerland, and has gone to work on the mission which induced him to visit the old country. He informs us that he can secure a vessel for the purpose of bringing immigrants direct to Beaufort, Wilmington or Norfolk for $5000. We cannot but agree with Mr. Atkinson, that the chartering of a vessel would probably be the cheapest and best way; provided sufficient orders for immigrants are obtained to make it justifiable to do so.—Golds. *Messenger.*

GROSS OUTRAGE.—We understand that the place of sepulture of Col. John Williams, about seven miles from Kinston, was broken into a night or two ago, and his remains carried no one knows where. The body had been consigned to the tomb more eighteen years ago.

The authors of this gross outrage are unknown. Their object is supposed to have been to secure the silver mountings of the coffin in which the corpse was confined.

Newbern *Jour. of Com.*

WILLIAMSTON AND TARBORO' RAILROAD.—The Tarboro' Southerner learns with pleasure that the work upon this road is to commence at once—notwithstanding the croakings that have declared the building of it a failure. President Stubbs has just returned from Raleigh, where he has been in the interest of the road, and says the work will go on at once, and the Agent for the contractor is making all necessary arrangements—the iron has not only been purchased, but is now ready for the track. The recent action at Raleigh in regard to the injunction against the Chatham road, does not effect in the least the value of the bonds granted by the State in aid of the Williamston and Tarboro' road, and the contractor regards it in this light.

A SUPPOSED MYSTERIOUS MURDER.—Within the last few days developments have been made which lead to the supposition that a negro boy, some ten or twelve years of age, murdered some time last summer upon the farm of Mr. Burton Powell, on the line of the Wilmington road between this place and Halifax. It seems that the boy in question, the step-son of one Williams, negro, was at that time missing, but it was told by his father and mother that he had run away from home. Since Christmas some younger children of Williams has developed the fact that the boy was cruelly murdered by his step-father, his mother burying him somewhere on the plantation—the children having been kept quiet by threats. Efforts have been made, we understand, to investigate the affair, but we have not learned of either the recovery of the body of the supposed murdered boy or the arrest of Williams and his guilty consort.—Weldon *News.*

WE ARE pleased to be assured that the young ladies of this city will, in about two weeks, present a series of Tableaux, &c.—the proceeds of which to be applied to alleviating the wants of the poor of our city.—Ral. *Sentinel.*

ONE of the members of the State Legislature wrote a letter to a gentleman in this city the other day, and sent it in a franked envelope, bearing the signature of A. H. Jones, M. C., and enclosed another of the same kind for an answer. This is rather hard on the franking privilege.

Newbern *Times.*

From the Gaulois.

Jeff Davis in Paris—His Mode of Life.

Mr. Jeff. Davis, ex-President of the Confederate States of America, is among us, with his wife, whose heroism is equal to the harshness of her destiny. He comes to see Paris and seek here a retreat to which he can bring in a week his children, left temporarily in America. Nothing can be more simple than this man, who is experienced, like our fathers of '93, and who, like them, sent suddenly to all points of the Southern States as many armies as the French Republic opposed to the coalition in Europe. Jeff. Davis is very thin, but erect. His chest is not hollow, and his body supports an admirable head, joined to broad shoulders by a rather thin neck. His forehead is ample, his hair gray, his contour rather bulging, in which are set clear blue eyes, which are very soft, yet observing. His face is thin, his cheek-bones prominent, and consequently his cheeks appear hollow. The nose is aquiline and like an eagle's beak. His mouth is rather large and indicative of goodliness and resolution; his chin prominent. The *ensemble* of that ascetic face is now a mixture of meditation and indulgence.

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Jeff. Davis speaks mildly, and his face expands as he smiles. He is naturally slow in expressing his ideas in our language, which he constantly mixes up with idioms from his own tongue. He is quiet in gesture and in recrimination; but his phrases in the mother tongue are well rounded, concise, and neat. Has experience, in the failure of better or stronger combinations, rendered him less positive? or does he always proceed, in the expression of his ideas, less in an absolute than a dubious way? It is true, he feels his way in our language.

He has remained true to the principles of slavery, but modified, as he admits. He concedes rights to the negro race which *can prove* that it is born to enjoy them and made to undestand them; but, at bottom, he is convinced that the African and the Caucasian races cannot assimilate. As to the rest, the extreme violence which the exigencies of the anti-slavery party caused, the effect of which was the sudden ruin of the Southern people, was, in his opinion, the consequence of the resistance which the latter made.

Here, Jeff. Davis is fully enjoying all the curiosities that Paris affords, which he finds very beautiful, and which he untiringly visits all the day. As to his material life, he does not care as to his food, breakfasting on a slice of bread and butter and a cup of coffee, and dining on two dishes.

Morally, his courage, his views, his strictness, his exquisite probity, the example of all his devotedness, his self-denials, his good faith to his principles—to which he has sacrificed everything, for which he has suffered everything—the placidity of an apostle, and the commiseration of a martyr for his enemies, his resignation and serenity—all these have made Jeff. Davis a rare and great man—so great that, in the midst of our modern civilization, one cannot come near him without the utmost respect.

Mr. Jeff. Davis dined on New Year's day at the residence of his old representative at Paris, Mr. Slidell. The dinner was quite private, and Mrs. Davis, in mourning for her mother, was not there.

STATE NEWS.

Col. John W. Forney, with a party of capitalists from Washington and Philadelphia, passed through Raleigh yesterday on their way to Western North Carolina, with a view to investing in lands in the counties of Caldwell and Watauga. They will return during the coming week, and stop one day in Raleigh on their way North. We await their report with a great deal of interest; for they are men of influence and means, and if they make a favorable report, the investments which they make will be a precurser of influx of capital and immigration which will tend greatly to develop the resources of the State.

Raleigh *Sentinel.*

The Baptist Fair was closed out last night, all the articles on sale having been purchased. Quite a large number of our citizens were present, and we are glad to learn that they bestowed their patronge in no stinted manner. The ladies expressed themselves as highly pleased with the success they achieved.

Newbern *Journal of Com.*

A LONG ABSENCE.—Thirty-six years ago, a man living in this county (then Stokes) was arrested for some violation of the law. He was tied and placed on horseback and started off to Germantown, then the county seat. After he was arrested his wife managed to slip him a knife, and on the way to prison he cut his bonds, and being well mounted, he made good his escape.—Nothing was heard from him after his escape by his family. He had been married but a short time, and his wife mourned for him as one dead. A few weeks since an old gray-headed man stopped at the house where she was living and inquired for her. She came out, when he asked her if she knew him. She told him she had no recollection of ever having seen him before.—He then made himself known as her long absent husband; and now, after a separation of nearly forty years, they are again living together as happily as a newly married couple.—Winston *Sentinel.*

DEPARTMENT OF STATE,
WASHINGTON, Jan. 20, 1869.

Information has been received at this Department from Mr. Charles Hoye, the Consul of the United States at Chituahua, Mexico, of the death, on the — of ——, at Guagassarasi, Mexico, of James Berry, supposed to be a resident of North Carolina.

F. W. SEWARD,
Assistant Secretary of State.

Macon county is one of the most attractive of any in Western North Carolina.—Her people are intelligent, hospitable and industrious. Her soil is rich, her forests are magnificent and prolific in every kind of timber needed for luxury and utility.—Her water-powers are unsurpassed in number and adaptability to all kinds of machinery, while her climate and scenery invigorate the body and fill the heart with joy and gladness.—Asheville *News.*

UNITED STATES SENATORIAL ELECTIONS.

The Result in the Different States.

NEW YORK.

ALBANY, Jan. 19.—Ex-Governor Reuben E. Fenton was to-day elected Senator.—The House voted: Fenton 73, Henry C. Murphy 45. The Senate voted: Fenton 15, Murphy 10, H. S. Randall 1—cast by Senator Murphy.

INDIANA.

INDIANAPOLIS, Jan. 19.—The vote in the Senate to-day for United States Senator was: Cumback 22, Hendricks 19, scattering 9. In the House: Cumback 48, Hendricks 45, scattering 7. In the Senate 9 and in the House 7 republicans bolted the caucus nomination.

MAINE.

AUGUSTA, Jan. 19.—The Senate voted to-day for United States Senator as follows: Hannibal Hamlin 28, A. P. Gould 2, absent 1. The House voted: Hamlin 118, Chamberlain 1, L. M. Morrill 1, A. P. Gould 30, absent 1.

DELAWARE.

WILMINGTON, DEL., Jan. 19.—Jas. A. Bayard was elected to-day by the Legislature United States Senator, to serve until March 4th, and his son, Thos. F. Bayard, for the full term of six years from that date.

MISSOURI.

ST. LOUIS, Jan. 19.—Gen. Schurz was elected United States Senator this morning, the entire radical vote of both houses being cast for him. The democrats voted for John S. Phelps.

MASSACHUSETTS.

BOSTON, Jan. 19.—The following is the vote for United States Senator in the Legislature: House—Sumner 216, Abbott 14, Banks 1. Senate—Sumner 37, Abbott 2.

PENNSYLVANIA.

HARRISBURG, Jan. 19.—The Pennsylvania Legislature to-day elected Hon. John Scott United States Senator.

MICHIGAN.

DETROIT, Jan. 19.—Hon. Zach. Chandler was to-day re-elected United States Senator.

KANSAS LEGISLATURE—NEBRASKA SENATOR.

ST. LOUIS, Jan. 19.—In the Kansas Legislature yesterday a resolution to allow negroes to vote was indefinitely postponed. Concurrent resolutions asking Senator Ross to resign were laid over. A memorial to Congress was passed asking the Senate to pass Mr. Clark's bill, which was passed by the House of Representatives, giving settlers the privilege to buy certain Osage lands.

The republican caucus of the Nebraska Legislature failed to nominate a candidate for the United States Senate. The last caucus was to have been held last night. Mr. Tipton, present incumbent, polls the highest vote, and Governor Baker the next highest.

MINNESOTA.

CHICAGO, Jan. 19.—This morning Alex. Ramsey was re-elected U. S. Senator from Minnesota by 39 majority.

WISCONSIN.

MADISON, WIS., Jan. 19.—M. H. Carpenter was to-night nominated for United States Senator on the sixth ballot.

New Hampshire—Democratic Nomination for Governor.

CONCORD, January 20.—The Democratic State Convention nominated John Bedell for Governor. Resolutions were passed declaring adhesion to the Constitution and in favor of the taxation of bonds.

DIED,

Near Clinton, N. C., on the 12th instant, Mrs. MARY E., wife of Wm. H. Thompson, and daughter of J. H. Beaman, aged 29 years, 3 months and 12 days.

Thus have we been called upon to mourn the loss of one who had, by her gentle and affectionate disposition, endeared herself to all who knew her. About five years ago she connected herself with the Baptist Church, and continued a bright and exemplary member until her death. She bore her long suffering with christian patience and fortitude; frequently spoke of her approach to death with calmness and perfect resignation to the will of God. Before dying called the family around her bedside and told them her bright prospects beyond the grave, and entreated each one to meet her in Heaven. On being asked if it were hard to die, replied: "Not in the least," and immediately fell calmly asleep in the arms of her Saviour whom she loved so well. Mourn not for her dear bereaved ones, for you have the sweet consolation of believing that she is now one of the angels around our Heavenly Father's throne. COM.—*

Curious Chapter in the Secret History of The War.

The Washington correspondent of the New York Times writes to that journal a singular account of a correspondence between General Halleck and General Banks, in relation to the removal of General Grant from command of the Federal army during the siege of Vicksburg, which he alleges has been kept secret up to this time. It seems that after the battle of Donelson, and again after that of Shiloh, General Grant had incurred the displeasure of General Halleck, who was commanding the Department of the West, and was temporarily removed from command of the army of Tennessee, which was offered to a Quartermaster named Robert Allen, but was refused by him, and General Grant was reinstated. The correspondent then says:

Such was the position of General Grant up to July of that year, (1862,) at which time Halleck was assigned to the control of all the armies, with his headquarters at Washington. It would seem as though the leadership of the army of the Tennessee might then have naturally relapsed to its former head. But first of all, General Halleck offered the position to a Quartermaster named Robert Allen; nor was it till that person had declined the baton of command, that it came again into the hand of him, who though he had won Donelson and Shiloh, had not succeeded in winning the confidence of his military superiors.

Passing now rapidly forward, we come to the operations that filled up the autumn of 1862 and the early months of 1863—to those numerous tentatives against Vicksburg, the deeply interesting story of which so often has been told. It is well known that these attempts were, each in succession, lamentable failures. Well again politicians, press, public and military superiors grumbled and clamored. McClernand, a vain and ambitious political General, declared he was "tired of furnishing brains for the army of the Tennessee," and was assigned to an independent command.—The old rumors about Grant's personal character were revived. He was pronounced utterly destitute of genius or energy. Even Lincoln's limitless faith did not extend beyond "trying him a *little longer.*" When finally he ran the gauntlet of the batteries and turned eastward to invest Vicksburg from the rear, the audacious enterprise called forth condemnation from headquarters. The kindly President afterward wrote him that he thought "he had made a mistake." It may be imagined that the dissatisfaction was not decreased by the occurrences that attended the early period of the siege. He was blamed for inaction, and it was sagely predicted that Joe Johnston would fall on his rear and destroy him. Then he was censured for an attack he made and failed in. Then came, toward the end of May, another assault of the works, which was also a failure. And then there was that done at Washington which has not hitherto been known—an order was sent to General Banks (then investing Port Hudson) directing him to go and take the command of the army from General Grant and to assume it himself.

I have said that this fact has never hitherto been publicly known. It is not only in none of the Lives of General Grant—not even in that of Badeau, who had access to every scrap of known documentary material—but there exists not a written trace of the secret among the archives of the War Department, or of the office of the General-in-Chief.

It remains now to add a still more surprising fact—the secret of this critical passage in his life was, until within a month, never known even to him it so closely touches, was never known to General Grant himself!

The officer who was directed to supersede Grant in the command of the army investing Vicksburg was, as I have already said, General Banks. The order was an imperative one. Nevertheless, General Banks did not obey the order. He replied expostulating against it.

The considerations on which that officer based his expostulation will appear when this remarkable correspondence sees the light. This much, however, may be said. He pointed out that for him to abandon his position at Port Hudson would be to give up the key of the Mississippi, imperiling not only the tenure of New Orleans, but jeoparding our possession of any point of vantage on that vital waterline.

To this rejoinder came from Washington a renewed command to supersede Grant, and when the impolicy of the step was again pointed out by Banks, he was severely censured for disobedience of orders.

Well, this remarkable correspondence went on and on, and bade fair to be indefinitely prolonged, when suddenly Vicksburg fell, and the military gentlemen and politicians, who at Washington had been plotting Grant's destruction, were forced to tune their pipes in pæans and *Io Triomphes* to the laurel-crowned commander. Every scrap of paper bearing on the subject was spirited away from the archives in the Departments, while Banks, putting the writings safely by, kept his own counsel. How it came about that a short time since the General-in-Chief got wind of this secret, and, obtaining copies of the correspondence, learnt for the first time this notable episode in his career, is not for me here to tell. Let us rather follow out one or two of the lines of suggestion that radiate from this pregnant fact.

And first, one cannot but note the absolute manner in which the destiny of the captain who brought the war to a close depended, in its keenest crisis, on the will and decision of one man. The examples are frequent of generals who were made or marred by what men call chance or fortune. But this is not a case of this nature; it is a thing apart and unique.

For, nothing is more manifest than that, had General Banks carried out his instructions and relieved General Grant at Vicksburg, Grant's historic career would have been abruptly and forever closed. Vicksburg was the knife-balance of his fate.—Triumphant there, the prestige of his victory gave him command of larger means and ampler opportunities, and so on, along the entire chain of interdependent events, up to this hour.

It will probably be hardly possible to refrain from some inquiry both as to the reason of